A/C A collection

App. F. IX-4

Previous References
Legis 5G-25(1-3) A collection (Legis)
" 385-33.

Later References
LB 48-47-5-6
LB 47.50 - 2

1936. **File No. 9-36**

Serial Nos.

PRESERVED

General and Revenue Secretariat.

Serial Nos

A proceedings

~~Secret~~ pt.

Part B for July 1936

SUBJECT.

Regulations further to amend the Improvement Districts Board Regulations

---

Gen of 6578/31-7-36 Town Computer

orders re publication of the further to amend the Improvement Districts Board Regulations 1930

W.G. Jenge
12/9/36.

5783
App. F. III—2

General and Revenue Secretariat. | File No. of 192.

Serial No.

EXTRACT FROM L.B. File No.97-29.

"Re the distinction with the system prevailing in Madras of independent committees in the administration of local bodies

(1)

9. The principle of surcharge prevailing in Madras has been taken noted of and embodied in the draft Mysore Municipal Amendment Bill [redacted] page 2 of the statement of objects and reasons the Minor Municipal Bill and clause 25 (b) of that Bill and clause 30 of the major Municipal Bill. Similar provisions may be introduced in the District Board Regulation and specially to Village Panchayet Regulation as the principle involved therein is unobjectionable and necessary

(2)

Dewan's remarks:- I agree with the Dewan
Mayne's note
& Dewan 6/5/29.

Itld/- B.N.
8-7-29.

4.

The principle of surcharge is now accepted by the Local Regs Amendment committee whose draft report is before the chairman of the committee for approval. After that report and the final Bills are agreed by the committee members suitable Bills for amendment of the D.B. Act and V.P. Regn will be drafted and sent

2nd/4(31) / Dewan

(6)

(7)

Minor Panchayet

OFFICE OF THE SECRETARIAT COUNCIL
22 APR. 1930.
No. 7985

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

2
5152

App. F. III—2]

General and Revenue Secretariat. | File No. 9 of 1926.

Serial No.

8

Mr. R.R. Please get the file a few hours and put up draft

AS 29/4/1932

(9) The final form in which the provisions of Sections will be accepted by the Select Committee now sitting in connection with this Bill may be awaited so that the provisions of this Act and the Act of 1928 may be uniform

A

AS 29/4/1932

(10) Please put up the file after referred to on the last page

29/4/1932

(11) The file is put up.

flag X

MB 30/8

(12) A. Yes.

(13) This may be recorded the publication of the Select Committee report was a Government

AM 31/8

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

5

(8

1886

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(14)

(#) As in the case of Municipalities, for 1cd was the power to levy a Sur charge in the case of Dts.

(15) PM. put up a Note with refce.

RG
24/10/32

Seen 24/10

× × ×
mr RS
25/10/32

(16) Please see notes in the file up below on the subject of introducing into the Dt Bds Regn the provn re surcharge as in the Mc bills. The Dt Bds Regn requires amendment in several other respects also. The question will be

(17) Flag X
Please see also notes on Municipalities/pass
sm

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Serial No.

examined after going into the new provisions made in the recent Madras Act and the new bills after they are finally approved by the Committee and a draft amendment bill submitted about the close of Dec 1932

25
29/11/32 (Secretary)

AM 29/11

RG 4/12/32

AM 4/12

18. Cc 5/12/32

AM 5/12

Sent By 5/12

19. A draft of a Bill to amend Mysore District Boards' Act is sent. Three copies of same will, if approved, be typed pending further revision and sanction

A

25
8/12/32

20 A- Yes

AM 9/12

21. Typing section will supply typing 3 copies on early

25
20/12/32

TYPE SECTION 20 DEC. 1932 GENL. & REV. SECTT.

NOTE—Contn. Sheet.

5

1886

File No. Legs 4 of 193

General and Revenue Secretariat

A typed copy of the Bill as further revised is sent.

23. Now that the new Municipal Amendment Bills have been laid in the Legislative Council, the Bill to amend the 25 Bds Regn. relating provision re Surcharge and other amendments ~~contained~~ necessary may be considered. But before doing so, it will be convenient to have the matter set in type and a dozen copies or so got printed for facility of consideration.

24. Hereto the Draft Bill will be sent to the Press for being printed & a dozen or more copies being supplied.

Sen'l Secy 29/6

50 copies are ordered at present. More will be required, if any, after the Bill is finally passed by the Council.

3/7/33

3/7

JPL 3/7

4/7

27. Draft to the Press for reprint

4/7

Office of the Second Member of Council. 3 JULY 1933 No. 61

GENERAL SECRETARIAT 1 JULY 1933 No.

copy of the Bill is placed before Council for 21.7.33

a half margin

Sen to Supdt is sent

11/7.

29/7 Issue

To the Supdt Govt Printing. No: 411 & 14/7/33
Forwards the Draft Bill for printing the same for half margin & supplying 50 copies.

General and Revenue Secretariat — File No. 9 of 1936 — [App. F. III—

Serial No.

From the Govt Press. Forwards 200 proof copies of the Bill for approval

30 One copy of the proof is corrected & submitted herewith for perusal & orders

(31) Reference is invited to the Member's minute in the linked file dated 15/8. regarding the question of providing for cheques being signed by the Presidt of the Distt Bd in a member in certain cases, may be considered at the time of discussion of the Distt Bds Regns. This will be provided for in the Bill if approved.

15/8 AW

A

(32) A. Yes.

33 Previous has also been made regarding the area covered by a toll about which a proposal for adding the provision in the Madras Act has been received and that action should be taken in this matter in connection with the amending Bill.

34. Draft amendments maybe prepared regarding both the above for consideration. May have to be included in the Draft Bill kept getting copies printed.

Urgent

AM 16/8

(X)

35. The previous rules relating to the delegation of powers to the Vice President in the matter of signing cheques for recurring charges are held herewith. It is for consideration whether the provision for cheques being signed by President & a member may not be made in the rules which might be framed under Section 19 of the Distt Bd Regulation 1932

(X) Refer Members minute in linked file & clause 17 of the Draft Bill.

is paid may be considered later on AM

NOTE—Contn. Sheet.

D. 1910 of 1932

WD 70—ORPM—50,000—13-3-1.

further amendment of the Mysore Debt Bds) Regn

(59)

File No. Legis 40 of 1933. | General and Revenue Secretariat

36. Provision has been already made as regards the question of stamp payment of bill, in Sub Section (7) of Section 66 of the Regn as proposed to be amended

37. The file relating to the question of amending the rule of the Bd Regns Sub Section (7) is for consideration whether provision has to be made in the matter in the draft bill

Please see Rule 16(6) 5-32

Please see Clause 3(7) of draft bill at page 11.

This may also be corrected later on

98 2.6/8 AW

38 I have gone through the Proof and made further corrections

39 Please put up a draft letter for striking off copies brought up in person

AW 22/10

40 Draft letter Rcd

98 24/10 AW

41 Issue

42 Please enter the name of the C.P, Madras, Bombay Acts in the proof before me

AW 24/10

TYPING SECTION 25 OCT. 1933 GENL. & REV. SECTT.

To the Supdt, Govt Branch Press Bangalore No: L 28 of 9.11.33. Reminds correct proof of the draft bill Requests that 50 copies thereof may be supplied

✓ Press sup.

Printed Copies of the Draft bill have been received Submitted for instructions

(Two copies put up herewith)

Draft bill to amend the Dist Boards' regulation 85/1

eral and Revenue Secretariat — File No. 540 9-36 — of 1933. 34 — [App. F. III—2.

Serial No.

as to the further action to be taken in the matter.

44) It is a point for consideration if copies thereof may not be sent to the Presidents of Dist Boards selected Dr's for furnishing their opinion on the matter, or will a committee of officers of mine maybe appointed to go into the question of the proposed amendment.

45 — Copies of the Bill may be sent to the Presidents of Dt Bds and a Dy Cam of Dts for remarks if any before the end of Jan 1934.

27/11/33

A

46. (The Draft bill has not been considered yet & this may be done the Opinions to be called for are received bill is revised in accordance therewith)

4.62

Secretariat Council, No. 3631

47 — Pers' Secy) — 7/1

A I agree

II Member — 14/12

48 I think the draft is needless by causing long & may be

NOTE—Contn. Sheet.

9

851

File No. of 193 General and Revenue Secretariat

be cut down in respect of less imp[t] changes. While new provns are necessary & useful, such a surcharge, existing provns need not be changed merely because they are differently expressed elsewhere, unless there is a defect to be remedied. Please examine the draft on these lines before sending it up for opinion. A small Com[ee] with can then be formed to examine it further.

Spr
28/12

Ltw
28/12

49 Please look up the British Indian Local Boards Acts referred to in the Draft Act

AM
24/11

50 The following available Acts are [illegible]:

1. The Madras Local Boards Act 1920.
2. Bombay Act no VI of 1923.
3. The Bombay Local Boards Manual by Cumming (Third Edition)
4. Additional Acts to Cumming's Local Boards Manual

The Madras Local Boards Manual by Mr Naidu

Serial No.

has been already submitted for ... the Act Leg

51) The central Provinces Local ... Act is not available in this office. The refee to this Act is after all not in the definitions in page 1 of the ...

Draft
26/1/34 AV

52) The draft Bill has been prepared with the object of introducing in the DDBs Regn the provisions re Surcharge adopted in the new Mun' Regulations, and also other amendments that are considered necessary. The latter are adopted from the Municipal Regulations of the Burma Indn Local Boards Acts.

53) The new provisions proposed to be added and the amendments to the existing provisions included in the Draft Bill are separated in the following paragraphs, to facilitate the passing of orders regarding the retention or otherwise of the addition or alteration.

~~54)~~ I. The new provisions included in the Bill are

Clause 1 Definitions of 'Dangerous disease', 'manger' 'public ferry' 'private market', 'public market', 'Subject of State Maharaja'.

These are necessary to clear doubts if ... as to the scope of any of these expressions. The last however already exists as Explanation under Sec 9 and may perhaps remain there

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-33

Serial No.

Clause 15 The President ... removable for the custody of all records and for arrangements for the performance of the duties relating to the proceedings of the Dr Board & the Committees

This is adopted from Sec 25 of the Cy Mehta Act & its retention is for ever

Clause 19 Sections 22A & 22B provide for the vacation of office of the President & Vice President, the former on his failure to reside at the head quarters of the district or within ten miles thereof and the latter on his election as President

These may perhaps remain

The new sections proposed, viz Sec 22C & 22D already exist in a different form in the existing Section 23 & may perhaps be omitted On one point however an addition is made, viz for the removal of the President when he is unable to pay his debts This portion may be retained by addition on to the existing provisions

Clause 23 re filling up of vacancies caused by increasing the no of members

Clause 24 (1) & (2) re calling of Special meetings by members on the President's failure to do so & the President's duty to regulate conduct of meetings

A Clause 25 re the right of members to have access to the records

All these provisions though new, seem to be necessary They are based on the provision of the Cy Mehta Rep, except A which is taken from the Madras Local Bds Act

clause 24 (3). this appears necessary to make the idea clear

clause 24 (4). These changes are also necessary.

clause 28 This enhances the powers of D Bds re disposal of rubbish and carcass, as in secs 41 & 42 of the city Muni Regn. The relation of this to trades

Clause 30 This introduces elaborate provisions re erection and control of public ferries, markets, slaughter houses and cattle sheds in place of the existing sec 54. It seems desirable to retain these provisions

Clause 32 The new provisions proposed viz sec 56. A Bn provide for the District Health Offr, President & Members of the Dt Bd entering and inspecting fruit & vegetable shops &c in markets, with a view to prevent consumption of unwholesome articles of food &c and the spread of dangerous diseases.

These are adopted from the Bombay Town Muni Regn Act and appear to be necessary.

Clause 33 (1) This seems to be unnecessary, as the expression 'any law in force' include also 'rules made by the Govt in this behalf'.

(2) The previous publication of the bye laws framed by the Dt Bd is necessary & this is done in practice under the rules framed by Govt. The provision may be retained

Clause 37 The new sections proposed, viz secs 70 A & 70 B give powers to Govt to suspend or prohibit the levy of objectionable cesses by the Dt Bds and to require them to impose new cesses when their finances are low.

These provisions are based on secs 85 & 86 of the city Muni Regn and seem to be necessary

Clause 39. The proposed Sections 71 A & 71 B are taken from the Bombay and the C.P Local Board

Act and are intended to facilitate the collection of fees imposed by the Regulation by the lessees thereof or the employees of the Dt Bd.

The provision appear necessary.

Clause 40 The replacement of Secs 76 to 79 of the Regn by a new chapter is proposed on the lines of the provisions of the Orissa Village Regn, ch XI. In the case of Panchayats the provision in respect of their budget have been related so as to do away with the sanction of Govt and restricting the scrutiny of the latter in regard to certain provisions to be made, viz payment of dues to Govt or other local bodies, meeting of obligatory charges, maintenance of the prescribed closing balance etc proposed to adopt the same provision in this Regulation and also to include provision for surcharge persons responsible for illegal payments made by, or loss or deficiency incurred owing to negligence or misconduct of, any person.

The new chapter may be retained.

Clause 41 The substitution of separate sections for the existing section 88, 89 and 90 seems to be unnecessary as the latter seem to be sufficient. As regards the duties powers of Chief Officers, regarding which elaborate provisions are proposed, it is submitted that they may be prescribed by rules framed under Sec 88 (4) of the Regn.

The present provisions however do not make the appointment of a Chief Officer ~~mandatory~~ obligatory on the Dt Bd. If it is necessary to make it so, as in the Panchayat Regn, the necessary addition may be made.

Clause 47 · This provides for the prompt recovery of the DTPD's dues to Govt & may remain.

Clause 48 · This recasts section 97, so as to provide for the dissolution of the D. Bd or its supersession, as in the City Metro Regn (Sec 226)

The retention of this is for ades.

Clause 49 · The proposed provision re bar of civil suit in case of dispute between the DTPD & other local bodies is perhaps superfluous but may remain, to make matters explicit. A exists in the City Metro Regn (Sec 229(2)

Clause 50 This amplifies or adds to the items in regard to which rules may be framed by Govt.

Items (n) & (r) are new and are based on Sec 228 (g) & (m) of the City Metro Regn. They seem to be necessary.

Clause 51 · The new sections proposed, viz 100A & 100B give power to Govt to repeal or modify bylaws made by the DTPDs and to delegate the powers of Govt under the Regulation to its subordinate officers Bylaws are made by the DTPD with the sanction of Govt, vide Sec 57 (1) of the Regn, & occasion may not arise for Govt repealing or modifying bylaws once made with their sanction. ~~Sec~~ It is for ades ~~of the~~ Sec 100A is ~~considered~~ necessary.

The necessity for Sec 100B is also for ades It may perhaps be retained.

Clause 52 · This adds to the category of persons who are to be deemed public servants. As in Sec 48 of the City Metro Regn may perhaps remain.

Clause 53 to 55 · These seem to be necessary.

II The other clauses of the Bill which introduce amendments in the existing provisions are:-

clause 2 The proposal is to fix the proportion of the elected element in the DVBD at $\frac{3}{4}$ instead of $\frac{2}{3}$, as in the Town Municipal Councils.

The clause may be retained. The proportion of the elected element in the City Wards is $\frac{4}{5}$ of the whole

clause 3. The proposal is to restrict the no. of members elected by special constituencies to $\frac{1}{8}$ of the total number of members in the Board. The number is unlimited now

A limit seems necessary.

clause 4 The verbal alteration proposed is necessary to make the meaning clear.

clauses 5 to 8. These clauses introduce the provisions of the City Municipalities Regn re qualifications of voters and candidates, in place of the existing sections 9 to 11 of the DVBD Regn. The changes seem to be unnecessary except for the purpose of securing uniformity. The existing provisions may perhaps remain unchanged.

clause 9 The interpretation of the term 'error' seems necessary.

clause 10 This removes the existing disqualification of persons committing corrupt practice from voting at elections and introduces the provision re bar of Civil suits in matters relating to elections rules (as is authorised by any other provision of the Regn: [Sec 4]). This provision is adopted from the City Wards Regn & may perhaps remain

Clause 11 This clause only regularises the existing practice under which the names Presidents and Vice Presidents of DDBs are now notified in the Gazette. It may remain

Clause 12. ~~(illegible)~~ The change proposed is on the lines of Sec 23 (6) & (7) of the Cts Metrics Regn It seems unnecessary.

Clause 13 The addition of the words proposed seem unnecessary, as the disqualification is already provided in the rules for the election of Presidents and Vice Presidents

Clause 14 The existing clause (a) of Sec 19 being redundant as it is provided in Sec 29 (2) (e), was proposed to be replaced by a new provision as in section 11 (c) of the Cts Metrics Regn. Clause (i) is also proposed to be ~~(illegible)~~ recast as in Sec 11 of the latter.

This may perhaps be retained.

Clauses 16 & 26. The existing provisions in Secs 31, 32, 33 & 34 may remain unchanged, as it appears unnecessary to adopt the provisions of the Cts Metrics Regn re Constitution of Committee

Clause 17. Section 21 is proposed to be amended as in Section 26 of the Cts Metrics Regn. Perhaps no change is called for

Clause 18. This follows the decision re clause 17

Clause 20 This is consequential to clause 18 & 19 and follows the decision regarding them

Clause 21. The amendment of Section 25 proposed is on the lines of Sec 13 of the City Mebes Regn. This is an improvement over the existing provision may be adopted.

Clause 22. This is consequential to clauses 6 & 7. If those clauses are not adopted, this will also be unnecessary.

Clause 25. Referred to already, viz under clause 16.

Clause 27. This substitutes a new clause (in lieu to Sec 37) in place of the existing proviso re liability of Presidents for loss, waste or misapplication of funds. It follows Section 44 of the City Mebes Regn and seems to be an improvement.

Clause 29. This amends Section 15 on the lines of sections 58 to 60 of the City Mebes Regn. The arrangement proposed is an improvement over the existing one and may perhaps be adopted. Certain extra items are added for which no provision now exists, e.g. grant of house build advances to DTBD employees.

Clause 34. May remain as the existing practice of the DTBD lodging their funds in the Mysore Bank will be regularised.

Clause 35. This clarifies the existing restrictions re expenditure outside the area of the DTBD, and introduces the provision in Sec 55 of the City Mebes Regn. May perhaps be retained.

Clause 36 (1). The provision re composition of loans is amplified as in Sec 83 (4) of the City Mebes

so as to cover points not now provided for. It is therefore an improvement

Clause 36 (2). This is a necessary provision intended to prevent carts going away from the road where there is a toll gate, to evade payment of toll. This is proposed by the Chairdons Assn.

Clause 42. The amendment is intended to reserve power to Govt to inspect Assn Offices, and may remain

Clause 43. The proposal is to take power to delegate the powers of the Director under the Section to other subordinate officers of Govt, ~~who are not Engineering Officers~~. It seems desirable to reserve to have the power.

Clause 44
45
46 — These appear to be necessary amendments for improving the wording or making the idea clear

54) After orders are passed regarding the retention or otherwise of the several clauses, the Bill will be revised and copies sent to the Director & Presidents of Assns for opinion

Refe. Members orders in para 48

GENERAL SECRETARY
8 FEB. 1934
No 1152

Asst Secy (Legislative) 7/2/34

55) To be scrutinised in detail see Asst Secy (2) Secy 4 may include Facsimile Exhibits. etc

The 9/2

Asst Secy Law Secy Asst Secy
with compliments 9/2/34

Serial No. 56)

I have gone through the draft bill with a view to see how far the several clauses proposed are necessary to remedy existing defects in the law and submit the following observations for further consideration :-

Cl (1). This proposes to add certain new definitions of expressions already used in the Regulation. I do not think any of these definitions are necessary. No occasion has arisen wherein doubt or difficulty has been experienced regarding these expressions. The defn of "Subject of the Maharaja's Domicile" already is in the Regn as an explanation to Sec 9 and it is better that this exists as an explanation to Sec 9 and not included in the 'interpretation Clause.

Cl (2). The necessity for increasing the elected element in the Dt Bd is a point for orders.

Cl (3). Under Sec 7 of the Regn the Special Constituencies are determined by Govt who have powers to fix the ~~representation~~ number to be elected from such Constituencies. The amendment proposed in this clause appears to be unnecessary.

Cl (4) Under the existing provision a list of voters can be prepared "whenever the Govt so directs". The practice hereto of preparing such a list when the term of the Board

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about to expire ~~[illegible]~~.

(c) If such preparation has been directed by Govt., cannot be called illegal. The language of the section as it exists requires amendment as suggested in pp. Cumings Local Bd Manual. For the words "Whenever a date has been fixed for any election of persons to fill the places of persons whose term of office has expired", the words "for every election of members in place of those whose term of office expires under section 24" may be substituted.

d(5). Generally it is disqualification of candidates that is prescribed. The amendment of sec 9 proposed with the exception of omitting the explanation is necessary & may be adopted.

d(6). It is sufficient if sec 10 is amended by substituting the words "be a member of a District Board" for the word "vote" occurring in the first line of the section. The section will then prescribe the General disqualifications of candidates. If however what is intended is to bring the qualification & disqualification of candidates for the Dt Bd on a

Serial No.

Iraq with those of the M.C.'s, further amendment would be required. The necessity or otherwise for this is a point for orders.

Clauses 7 & 8. These propose amendments to secs 11 and 12. If there is no necessity to modify the substance as to the qualification & disqualification now existing, no amendments of these two sections are called for

Clause 9. The amendment proposed is to add an explanation to sec 14(5), to explain the meaning of the expression "error" used in the subsection. This may be adopted

Clause 10. Under sec 15 a person found guilty of corrupt practice is disqualified from being a voter. " , the same as sec 20 of the Bombay Local Bodies Act and may remain.

The new provision suggested to bar suits relating to elections, may if necessary, be incorporated as sec 15A But I think this provision is unnecessary —

Clause 11. The rules relating to election of President & Vice President may provide for the publication of the results. Sec 16 need no amendment as suggested.

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Clause 12. The amendment proposed this to provide for a case in which the President vacates office during the term & there is no Vice President to take his place. All the St^s have now Vice Presidents and there seems to be no necessity to provide for a contingency such as the simultaneous disappearance of both the Pres^t & the Vice Pres^t. The existing provision may remain.

Clause 13 This is unnecessary. These disqualifications, I think, already exist in the rules.

Clause 14. I do not think there is any need to amend sec 19 which is on the same lines as sec 23 of the Bombay act. The language of the Section gives no difficulty and what is suggested does not in any way expand the functions of the President.

Clause 15 It is proposed to add a new Sec^n - sec 19A - to make the Pres^t responsible for the custody of all records. Sec 19 (c) amply provides for this & I do not think the add^n proposed is necessary -

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Clause 16. Unnecessary.

Clause 17. There is no conflict between sec 21 ~~of the~~ of the 5th Sch. 2nd sec 9 of the KR Code. The amendment suggested in this clause is unnecessary.

Clause 18 Unnecessary.

Clauses 19 and 20 } Cl 19 proposes to add 4 new sections viz 22 A to D defining more clearly the cases of President & Vice President vacating their office during the term. Cl 20 amends Sec Ido not think there is any need for 22A or 22B. If a Vice President is elected or appointed as a Pres^t, he resigns his office of his Vice President as a matter of course. Again if a V.P. or a Pres^t do not reside in the ~~Dist~~ Dist they may in proper cases be deemed held to have incurred the liability to removal under the proviso to sec 2

Sec^n 22C is also sufficiently provided for in the proviso to sec 23 & 2 in sec^n 22D proposed except as regards removal for inability to pay debts.

What is therefore req^d is a simple amendment of the existing sec^n Sec to be as proposed below:-

NOTE—Contn. Sheet.

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General and Revenue Secretariat

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Sec 23(1) The term of office of every President or Vice President shall commence from the date of notification of his election or appointment and shall, save as otherwise provided for in this Regulation, cease whenever he ceases to be a member of the District Board over which he presides;

Provided that he shall after an opportunity is afforded for hearing him, be removable from office as such President or Vice President by the Govt for misconduct or neglect of or incapacity to perform his duty or if he is unable to pay his debts or in the case of an elected or nominated President or Vice President for not commanding the confidence of the Bd to be evidenced by a resolution of the Dt Bd in favour of which not less than two thirds of the whole number of members of such Board have given their votes at a meeting specially convened for the purpose.

Explanation: A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

Vide next page.

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(2) In the event of any vacancy occurring in the office of a President or Vice President, by death, resignation, removal or otherwise the vacancy shall be filled up as soon a Conveniently may be by the election or appointm of some other member of the Board thereto.

Cl 21. This amends sec 25 regarding resignations. The sec^{n} as it stands ~~is not~~ does not say from what date the resignations are to take effect. The amendment proposed may there be adopted.

Cl: 22. In view of what is said abt the amendments proposed in clause 6 & 7, there is no need to amend sec 26 as suggested in this clause. Sec 26 however requires amendment as follows:-

For the words "disqualified unde in cl(a) of subsec 1 of sec 26, Substitute "Subject to any d is q ualifications Specified in"

The words "without the leave of the Board" in cl(c) of Subsec(1) may be omitted. otherwise it may mean that a Bd cant grant leave to absent for any period whatever without the member losing his seat in the Board.

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Clause 23. This may be adopted.

Clause 24 This suggests certain amendments to Sec 29. None of these appear necessary. The section as it is gives no room for the difficulties contemplated & the Regulation amply provides for powers to get over them if & when they arise.

Clause 25 This gives a right to every member of the Bd to have access to the records. The Pres can of course for sufficient reason refuse such access. This may be adopted

Clause 26. I do not think the amendments suggested are in any way necessary or more beneficial than the present secns. Sec 31(1) may however be amended by putting "100" for "99" occurring therein by mistake.

Clause 27. This amends sec 37. How this is an improvement is hard to see. The right of Govt to file a suit for recovery of money misappropriated is taken away.

If what is intended is to extend the scope of liability, the words "to loss or waste"

Serial No.

may be inserted after the word "misapplication occurring in the two places in which it occurs in the proviso.

Clause 28. This amends sec 42 to enhance the powers of the DTB^d regarding disposals of property etc. The necessity for this amendment is a matter for orders in the administrative Branch.

Clause 29. This seeks to amend Sec 45 regarding disinfectancy obligatory duties of a DTB^d. The amendment proposed may be adopted, as the description suggested is more exhaustive & removes many little difficulties in interpreting Sec 45.

Clause 30

The provision of markets & ferries under the existing provisions - Secs 54, gives room for many doubts. The new section suggested is a great improvement & may be adopted.

The restriction to establish new markets may be made applicable to Jatras, fairs, cattle shows etc except those covered by Sub-cl (6) of the proposed Sec^n 54A.

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Clause 31 may be adopted

Clause 32 Unlike the Bombay Local Bd Act, the mysore DTPB Regn in sec 57 gives a large measure of power to the Bd to make byelaws regarding sanitation & ~~pub~~ public health - The powers proposed in the new secns 56 A, 56 B & 56 C may be brought under proper byelaws & I do not see why therefore the Regn is to be amended as now proposed.

Clause 33. The power to make byelaws are subject to the rules that may be prescribed by govt in this behalf - There is therefore no need to amend sec 57 as proposed - Necessary rules may be framed for the purpose, if reqd.

Clause 34 Sec 62(2) empowers the Bd to invest its funds in any Bank in mysore, with the sanction of Govt - To regularise the practice of investing the funds in the mysore Bank does not therefore need any amendment of the law -

Serial No.

Clause 35 - This amendment of sec 65 may be adopted - It is certainly an improvement and removes many difficulties in the interpretation of this important section.

Clause 36. may be adopted

Clause 37, 38 & 39 } may be adopted. If considered necessary from the administrative point of view.

Clause 40 This introduces a new chapter VI A in place of the existing section 76, 77, 78 & 79. The new chapter is on lines of ch XI of the city M' Reg & provides for surcharge etc.

This is necessary and may be adopted

Clause 41. I do not see the need for amending sections 88, 89 & 90 as proposed. There is enough power vested in the Govt-Corpn under the Regn to prevent extravagant expenditure on establishments etc - The appt of such officers as govt may direct is even now obligatory under sec 89.

The whole of this clause is unnecessary.

WD 0434—GPB—15,000—12-10-33

File No. of 193 . General and Revenue Secretariat

	Serial No.
Clause 42 — There is no necessity to amend sec 92 in order to empower Govt to inspect of Bd offices. Such power is inherent in Govt under the Regulation. Sec 92 may remain as it is. I do not see any redundancy in cl (b) of this sec^n.	
Clause 43 — The amendment suggested will lead to difficulties - It is better the power of supervision is legally vested only in the D.C & not in many other officers as suggested. Sec 35 of the Regn enables the Sanitary & other officers of the State to tender advice to the Bd.	
Clause 44. — This may be adopted	
Clause 45. — may be adopted	
Clause 46. — may be adopted	
clause 47 — I do not see the need for any express mention of this power. There is enough power vested in Govt to enable it to recover money due to it from local authorities -	

Serial No.

Clause 48. The power of dissolution is incongruous with the obligation of having a Dft Bye as prescribed in Sec 4 of the Regn.

Sec 97 may therefore remain as it is.

Clause 49. Sec 98 impliedly bars the jurisdn of Civil Cts. There is however no harm in making this specific as proposed

Clause 50. There is no need to amend Sec 100(b) as suggested. The rules may under the sec^{n} prescribe the deposits & provide for ~~it~~ their forfeiture.

~~Clause 51~~ The other suggestions may be adopted.

Clause 51. The addn of sec^{n} 100 A as is ~~is~~ unnecessary. Bye laws are subject to approval of govt. Rules are made only by govt & not by the Bd.

There appears to be no need for sec^{n} 100 B as suggested We are dealing with Dft Bd's & not Town Municipalities.

Clause 52. Sec 105 needs no amendment

WD 0434—GPB—15,000—12-10-33

32 1st Amendment of D I.T. Act 1922 43/61

851/Leg

File No. of 193 .

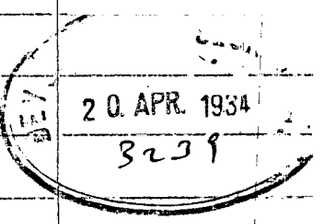
General and Revenue Secretariat

Serial No.

Clause 53 This may be approved

Clause 54 may be adopted

Clause 55 may be adopted



57) If the above suggestions are approved, the bill may be redrafted and sent to the various Dt Bd's & the D.Cs for opinion, if that is considered necessary. After the bill takes a final shape it has to be once again closely scrutinised in respect of its language & mode of expression. At this stage, I have not paid much attention to this aspect of the problem -

354/Law

Asst Secy Leg
With Compts 19/4/34

Forwarded with ref to para 55 (Page 18)

Dept Secy 19/4

Serial No.

Re. The utilisation of the Railway Cess funds.

The Government have approved of the recommendation of the Mysore Motor Transport Committee that the Railway Cess funds accumulated by the District Boards may be utilised by these Boards for the construction of new roads and bridges and on modernising the existing roads. It has also been decided that legislation necessary to give effect to this should be brought in separately as a replacement amending the relevant sections of the existing District Board Regulation.

The draft of the proposed amending Regulation is submitted herewith

First Member

27/6/34

2) Please submit to Council

Member

by 28/6

OFFICE OF THE FIRST MEMBER IN COUNCIL 27 JUN 1934 No. 1013H.

28/6

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-32

3) Second member. Please put up after the 12th July

3.7.34

2.57.6.34

4 4/7/34

90/P/34

34

90/J

File No. of 193 . General and Revenue Secretariat

Serial No.

4) Further action in this matter to be taken in Mech Sig Branch, Asst Secy Legs, Wkg Comtee

RMP 3.7.34

4 JUL 1934 20

90/L

5) for perusal of the Members of the Dept Secy)

for 4/7 MW 5.7

6) Matter resumed on Budget. Question of the abolition of the Mtce Fees in Junction Boxes as resumed on the same day.

MW 5/7 MW 5/7

7) Please put up a copy of the D.T.B. Regn as amended by Regn II of 1932

Submitted MW 13/7/34

9) Copy is put up

for MW 18/7/34 MW 18/7

10) Some alterations in the Draft Bill are suggested in pencil

11) Hd Secs letter to substitute a new Section for sub sec (4) instead of deleting it & making other amendments. In this view I have put up another Draft Bill for consideration

GOVT. OF INDIA SECRET 14 JUL 1934

Dept Secy) MW 16/7

12) The Law Member's Council's proposals are given effect to in the enclosed draft Bill

MW 3.4.35

Secy Law Dept MW Camps) MW 3/4

RMP 1.4.35

35

REPLY

(To be written on this margin.)

OFFICE OF THE SECOND MEMBER OF COUNCIL.

NOTE.

Dated 23/3/ 192

It is desirable to have provision for surcharge in the Dt Bds legn as in the case of the new ~~B~~ Municipalities legn. A draft bill may be put up for early consn. Any other amendments of the Dt Bs legn may be ready, inclusion may also be included in the draft

JPR

Dest for with compts

Serial No.

The Draft Bill to amend the D.P.B.Ds Regn already prepared was gone through by the Development Secretary with reference to the remarks and suggestions of the Asst Secy, Law Dept, contained in para 56 of these notes. Adopting most of the suggestions as directed a revised Draft Bill is prepared herewith.

The other changes made in the Bill are: —

(i) Inclusion of the qualification that one shall not be employed as a legal practitioner on behalf of or against a D.P.B.D. if he be a candidate for the Board, in Section 11.

(ii) Amendment of Section 68 of the Regn re utilisation of the Rupees 2 interest thereon for the improvement of roads as decided in connection with the report Clause 17 of the Nagpur Transport Conference. Mr Rangachari's Bill has been adopted for the purpose with some alterations

(iii) Retention of the proposed new Section 100A enabling Govt to delegate its powers under the Regn to any subordinate officer or Govt. It is considered that this provision will be useful, for instance if the Revenue is to be entrusted with the work of arranging for the periodical transfers of D.P.B.D. officers, on the analogy of the Director of Health exercising this power in the case of Sanitary Inspectors.

The provision relating to Surcharge is contained in the new Section 79 D included in Chapter VI A re Local Accounts. The provisions in this Chapter are based on those Clause 20 contained in the City Metrics Regn.

If the

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-33

6442/34

Amendment of the D. & U. Boards Rep.

37

File No. 883/22 P of 193

5183/30 P

883/33 L

General and Revenue Secretariat

Serial No.

6106
10.4.35

It is necessary to further curtail the Draft Bill, the clauses that may be omitted are forbidden

Dewan Secy) 9/4

I have carefully gone through the bill with the assistance and cut out as much as possible. Further action will be taken according to instructions that may be issued. It is perhaps desirable to keep these amendments in order not to lose that quality is the main object. The changes suggested in Motor Transport Bill will form one of the important objects pleaded

Secretariat

15.4. 16/4

I agree. The amendments suggested are generally on the lines of the new Cities Regn. The important amendments are (1) Chapter VI A re Dt Fund Accounts including Surcharge provn 2) amendment of Sec. 68 (4) regarding utilisation of railway cess — as ordered by us in the G.O re Motor Transport (3) Certain other minor changes. These may be approved & the Bill placed before the Reformed Assembly

Dewan

9-5-35

6/5

OFFICE OF THE SECOND MEMBER OF COUNCIL. 10 APR. 1935 No. 6391

DEWAN'S OFFICE 9 MAY 1935 No. 1554

6449/P

38

General and Revenue Secretariat. 308 File No. of 193 . [App. F. III-2

Council matter Hong Kong be dispensed with

Circulation

Chief Secretary's Minute

Mr.
14.5.35
AB/14.5.

CO.
RR
15/5/35

NOTE—Contn. Sheet.

59

For Disposal by Circulation.

No. C. 308

8/ 1935

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

Bill further to amend the Mysore District Boards' Regulation, 1926.

Circulated to the Members of Council.

By Order,

R. Rangachar

16th May 1935.

Cheif Secretary to Government.

8/5/35
16/5

First Member of Council. 16/5/35

7241
16/5

Second Member of Council.

16/5 Development Secretary, with compliments, after circulation.

D.7.V
August 1935.

17/5/35

General and Revenue Secretariat.

File No. of 193 .

[App. F. III-

D. S. N. Submit.

Dep Secty) 17/5

D. S. N submitted.

Secretary 17/5

17/5

D. S. N. Submitted

for 17/5/35 17/5 Dep Secty) 17/5

D. S. N submitted

Dep Secty 17/5

NOTE—Contn. Sheet.

Final Note by the Second Member of Council.

611

Subject.—

Amendment of the Mysore District Boards' Regulation.

These papers relate to the proposal to further amend the Mysore District Boards' Regulation, 1926 and the accompanying draft bill has been prepared to that effect. The amendments suggested are generally on the lines of the new City Municipalities Regulation, 1933. The important amendments are in respect of (1) Chapter VI Regarding District Board Finance including the provision for surcharge, (2) amendment of Section 68 (4) regarding the utilization of the Railway Cess as ordered in the Government Order on the motor transport Committee Report and (3) certain minor changes.

The draft bill has been agreed to by the Dewan and the First Member of Council. I solicit His Highness' gracious permission to place the bill before the Representative Assembly in June 1935 for further action being taken thereon.

J Rajagopal

MEMBER OF COUNCIL.

Bangalore,
17th May 1935.

12

Submitted to His Highness.

I submit herewith a Final Note by the Second *Member of Council on the subject of* the amendment of the Mysore District Boards' Regulation

for His Highness' gracious approval.

Mirza M. Ismail
Dewan.

Mysore,
19th May 1935

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Amendment of the Mysore District Boards' Regulation.

581.

Order.

24/5/35

(4)

308

General and Revenue
Secretariat

SUBJECT:- Amendment of the Mysore District Board Regulation

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*) (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

K. Anantaraman
28/5. *Chief Secretary to Government.*

Through the Secretary to Government,

Dev
.....Department.
28.5.

8591/28/15

FIRST MEMBER OF COUNCIL.
28/5

7562/28/5

SECOND MEMBER OF COUNCIL.

28/5

Dev. Secy, with Com

28-5

NOTE.—Contn. sheet.

24/5

Government of His Highness the Maharaja of Mysore.

Office of the Secretary,
Mysore Legislative Council,
No:3163-67/L.C. Bangalore, dated 21st May 1935.

Official Memorandum.

The Secretaries to Government are requested to forward to this office, not later than the 14th June 1935, items of Government business, if any, relating to the Departments under their control for being placed before the Legislative Council at its ensuing session from the 24th June 1935.

By order

Secretary,
Mysore Legislative Council.

To

The Secretaries to Government.

Sirs,
There is no Govt business relating to
L.C. Branch to be placed before the
L.C. next month.
This fact will, I suppose
be intimated to the Secy,

for
24/5/35
Dear Secy)
M
24/5
Mohammed Dawood Ameer
Assistant Superintendent

46
F 992

The file on the subject has been submitted to His Highness praying for permission to place the guiding principles of bill before the existing R. a. session. The statement of objects & reasons has yet to be prepared.

The bill to be placed before the L.C. has according to rule, to be published ~~before~~ a fortnight before the L.C. meeting commences. Opinion of the R. a. could not be obtained before that time. It is therefore doubtful if the bill can be introduced at the L.C. meeting. It was for this reason that no reference was made in para 1 above.

Reference para 2 above

Dy Secretary) 28/5/35 MW/28/5

This is not necessary. This can be done independently. Please consult the R.D. Secretary.

MW. 28.5. MW/28/5

R. a & L.C. Section will take note of opinion.

28/V/35 MW/28/5

NOTE—Contn. Sheet.

40

File No. D999 of 193

General and Revenue Secretariat

9.(1) When any Bill is proposed to be introduced in the L.C, the general principles underlying it shall first be placed by the Govt before the Assembly in the form of a statement and its opinion ascertained.

(2) Sub-section (1) shall not apply in cases of extreme urgency in which the Govt proposes that the ordinary rules of business of the L.C should be suspended and the Bill passed at a single sitting of the Council." [Section 9 of the R.A. Regulation]

P.S.G. By: with compts.)

22/5/35

The Statement of general principles will be placed before the R.A. The Bill with Objects & Reasons will be published independently 15 clear days before the L.C. The last date is 30th May. After the opinion of the R.A is obtained, the Govt may move in the L.C for its introduction or drop it according to circumstances. The publication of the Bill under Rule 8 of the L.C rules need not be postponed ~~for~~ pending the R.A. opinion

Dear Roy

6

MW. 27/5

MS 27/5

Dep 45

General and Revenue Secretariat. | File No. of 193 . | [App. F. III-2

The receipt of the file — no amendments to the Dist Bds — with H. H.'s orders will be awaited for further action being taken as above

Asia 24/IV/35 Dev Secty)

Thank you

MM 25/5

MM 25/5

As directed by the Dev. Secty, the R & L.C. Sec. was informally consulted. It was decided that the general principles of the Bill to be placed before the R.A. might be sent to the Secty not later than the 2nd proximo & the Statement of Objects and reasons must be published in the Gazette of 6th June at the latest so that it may be placed before the L.C. at its ensuing Session from the 24th June if the above information was furnished to Dev Secty

MM 25/5.

The file relating to the Bill has been sent in the Branch. The draft Principles to be placed before the R.A will be prepared & sent tomorrow.

Work proceeding on draft Bill

Work upon the Secty for instructions

MM 25/5

NOTE—Contn. Sheet.

49

File re Districts Boards' Regn Amendment Bill

File No. of 193 — General and Revenue Secretariat

~~[illegible]~~

As regards placing the Bill before the Legislative Council, it is not clear if the intention is to introduce the Bill at the coming Session. In the II Member's minute & the Final Note in the file ~~there~~ there is no reference to this, and the permission sought in the Final Note is ~~to place~~ "to place the Bill before the Regn Amendt in June 1935 for further action being taken".

It is therefore to be seen if action has been taken for publishing the Bill under Sect 67 of O & R, under the Legn Council rules, with a view to place it before the coming Session of the L.C. (It may be mentioned that the Presidents of D/Bds have not been consulted regarding the amendments proposed, and it is likely that there may be much opposition in respect of some of the amendments)

Asst Secy) 29.5

300/ The bill may be published under the L.C. rules & further action taken desired after the decision in the R.B.

Secy Member) 29.5. Asst 29/5

Sir Maybe placed before the R.A. & the bill to be brought up at the next meeting

29/5

Govt. Asst 30/5

1849 p 334

50

General and Revenue Secretariat. | File No. of 193 . | [App. F. III-2

Submitted with
(i) a Statt of Objects & reasons to the amending Bill, and
(ii) a Statt of general Principles of the Bill.

After approval, they will be sent to the Protection Branch for further action

Dy Secy) AMR 31/5
Mgr Affairs.
Secretariat

(Appd) as recd AMR 1/6
J.I.L.
1.6.

Protection Br) AMR 1/6

Sanction of * * to the proposed Legislation has been given Vide Flag A.

The Statement of General Principles has been approved & extra copies will be got typed and sent to L.A.

Since the Bill has been ordered to be brought up at the next L.C, if the same be

NOTE—Contn. Sheet.

RECEIVED
SECRETARIAT OF GOVERNOR IN COUNCIL
JUNE 1935
NO 1650

58.7

Bill to amend the Mysore Civil Courts Regn

No.	of 193	General and Revenue Secretariat
to be published under rule 8 of the rules of business of the L.C. approval of the Dewan has to be obtained. Submitted for orders		
Form 6 — Fair copies may be kindly put up as there are several corrections. A.S. L.S.G.	6/6/35	
Three fair copies may kindly be got made in the Typing Section. (Under Secy Form)	Form 1/6	6-6-35
Ten bilingual copies of Statement of General Principles are put up. These may be sent to Govt Office. After return the file may be submitted for permission for publication of Bill under rule 8 of L.C. Rules.		Yes 6 Copies taken BVV 4/6 7226 5-6-35
Form 4/6 — The Bill will be published under Rule 8 of the L.C. Rules.		
Dewan)	6 4/6/35	
M.S. 5-6-35		
	6/6	6/6/35
R.A. to L.C.		

Bill to amend the District Boards Regn Act

General and Revenue Secretariat. | File No. of 193 . | [App. F. III-2

A proof copy of the Bill has been received here for further necessary action.

Prot. Bl. with Compts)

6.6.35

The Statement of Objects and Principles has been sent to R. A. Office & the Bill was published under rule 8 of the Rules of Business under.

The following motions are now suggested for inclusion in the Agenda for the meeting of the Legislative Council

(1) Motion that the Bill be read in Council

(2) Motion that the Bill be referred to a Select Committee: The Hon'ble Minister for Education Seconded: The Revd Fr Perry

Form 10/6

(Sd/- [illegible]
2nd Member)

10/6

Ipar 12/6 WW 12/6 Apr

11/6

It was agreed at the R. A. mtg that the measure be brought up again at the Dasara session of R. A. mtg.

Sd/- 10.1.35 Private Secretary

OFFICE OF THE SECOND MEMBER OF COUNCIL
11 JUNE 1935
NO 1877

NOTE—Contn. Sheet.

5/3

A. to Germans Disbud Borers Regn

File No. 199 of 193 .

General and Revenue Secretariat

Having regard to the fact that the Statement of Essential Principles was withdrawn from the R.A with a view to having it up again at the Darwin Session, the motions proposed & included in the Agenda for the L.C may perhaps be withdrawn Sec'd

OFFICE OF THE
SECRETARY OF COUNCIL
17 JUNE 1935

17/6 They are withdrawn from the agenda of the L.C

The file will be sent to the L.S.G. Branch for further action

1st Member) 17/6

17/6

Mr. Please obtain & post up a copy the discussions in the R.A on the subject

R.A. Section W/C for kindly putting up a copy of the discussion in the R.A on the subject

Entries put up as desired

G.6.37 Portions relating to 2 Member have not yet been approved.

Sec'y 10/7/35 Ldg Member)

10/7 1935

Mysore District Boards' Regulation

General and Revenue Secretariat | File No. | of 193 | [App. F. III–2

Serial No.

Reference is invited to the discussion in the R.A. and the reply of the Dewan accepting the Suggestion to bring a Comprehensive Bill before the House at its next session and promising to appoint a Small Committee for looking into all the details.

203
11-7-35

The file relating to the resolutions passed at the Conference of D.B. Presidents in Feby 1935 is limited to this.

Orders as to the personnel of the Committee to be appointed and the subjects to be referred to it.

Dev. Secy

Asst
11/7

In the memorandum the Dewan sent on 5th September with the linked file, a meeting of all the ~~District~~ Presidents of District Boards was contemplated but at the R. A meeting the Dewan promised to ~~have~~ appoint a Small committee to go into all the details. The legislation it seems necessary to have two committees.

Unless it is considered necessary to have all the Presidents, we may perhaps have only four viz

Mr. Chengalaya Reddi Kolar
" Puttaswamy Mysore
" Venkatarama Iyer
" Halappa Shimoga

NOTE—Contn. Sheet.

S-5 Bill to amend the Mysore District Boards Regulation

File No. of 193 General and Revenue Secretariat

In the special sitting we may have
The Rev. Commissioner
The Director of Public Instruction
The Dy Comm. Bangalore
Surgeon Gen. Med. dept.
The Secretary Member may be the chairman.
As the bill has to be ready for the R. Session, the meeting will have to be held very early.
For orders
Secretary Member

12.7.25.

Please suggest that I may put up a draft order (name I shall fill in) appointing the Committee & defining its scope which will mainly be the consideration of the Legislative bill prepared by Govt. & also the proposals & legislation to amend the Regulation included in the representation from the Dt Bd Presidents

19/7 18/7 18/7

Dft. G.O. submitted
Ag 19/7.

Please put up a fair draft
Approved Ag 20/7

Typed Dft. submitted.
My 22/7

Typ. Sec. My 22/7

OFFICE OF THE SECOND MEMBER OF GOVT
13 JUL 1925
NO 33 S

Bill to amend Mysore District Boards' Regulation
46

General and Revenue Secretariat. File No. of 193 . [App. F. III-2

421
22/7/35

SECOND MEMBER OF COUNCIL.
23 JULY 1935
No 624

A draft G.O is sent for consideration
The resolutions passed at the
Conference of D.B.P.Presidents held on Feby 193
are flagged 'A' in the enclosed file. Those among
them which require legislation are marked.

Dewan Secy) Asst 22/7

Secretary Member 23.7 Asst 23/7

Please let me see a
fair draft very early,

Sd/-
29/7 Asst 29/-

Typ. Sd. HC
29/7/35.

Fair draft sent
30/7/35. Asst 30/7

Secretary Member 31.7. Asst 31/7

TYPING SECTION.
31 JUL 1935
SEC. GEN. REV. SECTT.

Received the file
at 5-35 pm on
30-7-35
Unis 30/7/35

OFFICE OF THE
SECOND MEMBER OF COUNCIL.
31 JULY 1935
No 624

approved
Sd/-
31/7

Dewan

31/7 Asst 31/7

DEWAN'S OFFICE
1 AUG. 1935
No 90

Sd
1-8-35

Issue today
Asst 2/8

NOTE—Contn. Sheet.

57

995/2/33

L.S. File No. 52 of 1935-36 General and Revenue Secretariat

To.

The Chairman & Members of the Committee
as Constituted
vide L.90.2-71 dated 2nd August 1935
appointed a Committee for considering the
amendments proposed in the Delhi Univ.
Bill and requesting them to submit a
report thereon before the Darbar session
of 1935

Subd. for orders as to when a
meeting of the Committee may be
called for.

789.
6.8.35.

Asst
6/8
Dewt Secy)

for
6/8/35 MW 6/8.

OFFICE OF THE
SECOND MEMBER OF COUNCIL.
7 AUG. 1935
No. L.D. 52

for orders

MW
6.8. Asst
7/8

May be held on 22nd August
(Thursday). If not finished it may
be contd next day also.

1 PM

SD
7/8 MW

7.8.

Please pursue draft notice

Asst
8/8

(O.M.)

A draft notice is put up for appli-

for
8/8/35 MW 8/8

Issue as revised
by Mr Secy
for 8/8

8. AUG. 1935
REV. SECTT.

Mr G.R.A. Maclagan
entrusted with this work.
I asked to collect all
references required in connection
with the Bill, the amendments
suggested by the Delhi Univ.
Conference.
to Mr G.R.A. 8/8

Dr Grimwood
Ad Acts may also
Ketkar read.

Serial No.

The Committee met today and considered the amendments to the Regulations included in the Bill placed before the L. A in June last.

The meeting was adjourned to 12th September (Provisional) to consider the proposals for amendment of the Regulations arising out of the recommendations of the Dist Presidents' Conference or others which may be proposed by the non-Offl members of the Committee to improve the working of the Dist Bds. Suggestions regarding the latter were asked to be sent up sometime before the next meeting, to enable replies being got ready &c.

Asst 27/8/35

The Date of the next meeting of the Committee having been fixed provisionally for the 12th instant, orders are solicited if notices may be issued to the members to attend on that Date. The notices will have to issue today, if the meeting is to come off on the

The Suggestions for amendment promised to be sent about the 2nd or 3rd by Mr Chengalaraya Reddy have not yet been recd.

Asst 9/9

Dist Dely)

Secy Members with Members

IPM on Saturday next. To issue

Please issue notices XXX

Asst. 10/9

IOP.

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

5/9 District Board Regulation amendment
Legislative
Committee

163 File No. S 2 of 1935. General and Revenue Secretariat

Submitted with a draft Ord for approval

for
1/9

Issue at once

HM
10/9

District no 2 1896-904 dd 10.9.35.

The notice has issued. Subd.

for
12/9/35 HM/11/9

The meetings of the Committee were held on the 22nd August & 14th September. A draft of the Proc of the first meeting is placed below, while the transcript of the 2nd day meeting has not yet been recd from the Stenographer.

To avoid delay, a draft report from the notes taken by me of the Committee has been prepared by me and is laid herewith for consideration. After approval Copies will have to be sent to the members of the Committee for whom will then appl immediately.

OFFICE OF THE SECOND MEMBER OF COUNCIL 19 SEPT. 1935 NO 1797

(Asst Secy)

HM
17/9

Secy concerned

HM
19/9

HM
19/9

The Draft report has been revised as directed by the Member, omitting refts to persons. Copies are sent to the members of the Comte for appl & return in a Confdl cover

Draft accepted

(Asst Secy)

HM
21/9

HM
21.9.

Issue today & circulate with a note requesting for orders, a revised appointing for orders, a revised list & Statement of Objects & Reasons to be placed before the Council

HM
21/9

Legis 9-36

General and Revenue Secretariat. | File No. 59 of 1935-36. | [App. F. III-2

To The Members of the Committee to Considering the Diff Sds Amend Committee

No 2 2 3 2 - 9 Dy 24-9-3

Forwards a copy of the draft report of the Committee for the subd. to Govt. & requests that the same maybe returned with app. The file is resubmitted after

Jna 25/9/35

Pending the approval of the Draft report by the Members of the Committee, the Draft and the Statement of General principles to be placed before the R. A have been revised in accordance with the Decisions arrived at by the Comtee.

The following are the changes made in the Draft bill:—

Clause 1. The order of the Sections has been altered.

Clause 9 The omission in this clause is rectified

Clause 12. This is omitted, as it was considered unnecessary to have a formal amendment to correct a typographical error.

Clause 13. This is newly added in accordance with the Comtee recommendation as suggested by Mr Ramam

Clause 14 (n) The word 'general' in line 1 is omitted and the following words are added after Board in line 3: 'and with the previous sanction of Govt'. This supplies a

× as renumbered

NOTE—Contn. Sheet.

Clause 15 — Sec 54-A.

In Sub-sec (1) the following words are added at the end: — "and after consultation with the District Board concerned in the case of the latter" a higher charge.

Sub-section (2) has been altered so as to include all the institutions referred to in sub-sec (1).

Sub-section (3) is adopted from Sec 17-1 (1) of the Madras Local Boards Act.

Clause 17 The Explanation to Proviso (2) of Sec 65 is deleted.

Clause 19 · Sec 71-B.

As it was represented at the Centre-meeting that the clause as drafted would secure more income to the Superintendent than he would pay to the District Board by way of the cess, an amendment to this clause based on Sec 86(b) of the Land Rev Code is made for consideration.

Clause 20 — Sec 77-(4)

As it was the opinion of the Centre that Govt sanction should be continued to be given to the Budgets of the Bds, an addition is made to this sub-section to indicate that such sanction will be accorded. The wording adopted is for orders.

Sec 79-14. The sub-sections (1) & (2) of this Section have been combined into one as suggested by the Centre, making it clear that the Admn report is to be transmitted to Govt through the Dy Com.

Clause 24 — The addition made to this clause follows the addition made to sub-section 40 in clause 13.

62

General and Revenue Secretariat | File No. Hyd 9 of 1936. | [App. F. III—2

Serial No.

The Draft Bill & the Statt of Gen' Principles as revised are for orders.

After approval the Statt will be sent to the R.A Office for further action. The last Date for sending the Statt to the R.A Members is 28th Sept' if the subject is to be taken up on the further second day of the Session. If there is a delay of a few days, the subject can be taken up in the middle or end of the Session.

This for orders if the Bill has also to be placed along with the Statt of Gen' Principles

Do it was given last time, we may do same it on this occasion but it may be sent later after further scrutiny.

Dept Secy) 25/9

Secy Revenue

25/9

25/9

26/9

The Statement may be sent to the R. Members and the file submitted to Dewan for perusal.

26/9

R. a Section We are sending 26/9 taken the copy of the statement & retg the file

Copy taken & file returned.

26/9

26/9

NOTE—Contn Sheet.

MWP 0334—GPB—30,000—13-7-35

re District Boards Regulation Amendment Bill

2999/33

File No. of 193 | General and Revenue Secretariat

File resubmitted.

26/9/35.

Dewan's

DEWAN'S OFFICE
26 SEPT. 1935
No. 2159

Mr D. Subba Rao will please make 3 copies of the Bills to be sent to the R-A three before this evening.

Mr GRA will please go through the Bill once more & see if any further corrections are needed

Three copies of the Dist Bds Regulation Amendment Bill are corrected by incorporating the suggestions made by the Committee and accepted by it. They will, if approved be sent to the R.A. Section for necessary further action as per orders in the margin on the last page

9/X/35

3 Copies taken & file returned.

Distt Boards' origin Annual

D690. L 994 64 38

ral and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

Serial No.

Subject for perusal. The file may be taken to Mysore for 21/X/35

For orders if the R.A section may be requested to furnish extracts of the discussions at the recent R.A Sessions.

Secretary's file

Secy. 18.X.35 R. D. Sec. 19/X

Subject

One typed Copy of the Discussions desired placed in the file (vide flag B)

5/11/35 L.S.G.G. with Compliments 5/11/35

XXX Secy 5/11

vide pages 31 to 35 of the discussions

Kind reference is invited to the replies given by the Revenue Member of Council to the several points raised by the several Speakers in the House. The general principle

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

of the Bill were put to vote & passed by the House

If it is for orders if the Bill as it is may be put there in the Legislative. If so, the file will be transferred to the Legislative section (Protection) for further action

for 6/11/35 NM 6/11

I think one or two mistakes were found in the reprinted copies of the Bill. Please correct them & also any other mistakes detected till now.

XX JM 6/11

Copies of the Bill (Protection) as amended upto date will be sent to Legislative Section for 6/11/35

The copy of the Bill as now printed has been gone through and necessary corrections have been made & sent.

for 9/11/35 NM 9/11/35

I have also gone through the Bill & verified the corrections.

The file may now be sent to the Protection Br for further action.

Received 1.30 NM 13/11

DevDeep) JM 12/11

2/4 12/11

13.11.

ProtectionBr) AM 13/11

District Boards Regulation Amendment 1948 File

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

DEWAN'S OFFICE 16 NOV. 1935 No. 3631 Serial No.

OFFICE OF THE SECOND MEMBER OF COUNCIL 14 NOV. 1935 No. 3683

The Bill will be published under Rule 8.

2nd Member) Ce 18/11/35

This may be done and the file sent back to me after publication of the Bill

Nes 16/11/35

Dewan) Ce 16/11/35

16/11/35

Mr 16-11-35.

R.A.Mack Ce 18/11

R.A. & L.C. Office

Two revised copies of the Bill have been taken and the file returned to Prot. Br.)

18/11/35

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

67 2948

The Districts Boards Reg. (Amend.) Bill

File No. 2948/ of 193 General and Revenue Secretariat

The Bill has been published in the Gazette of 28th Nov. and is listed for perusal.

Dom 30/11 Second Member) C.E. 30/11/35

Loan Min 4/12

C.E. 4/12/35

The following motions are suggested for being moved in the Agenda for the meeting of the Exec. Council:-

(1) Motion that the Bill published under Rule 8 of the Rules of business be read in Council

(2) Motion that the Bill be referred to a Select Committee.

The personnel of the Committee may perhaps be determined at the time of discussion

Dom 4/12 Secretary) 2nd Member

C.E. 4/12 Min 5/12

Min 5/12/35

3537 5/12

R.G.H.C. Office please) noted and refer to Prot.n Br.

C.E. 4/12

6.12.35

OFFICE OF THE SECOND MEMBER OF COUNCIL. 30 NOV. 1935 No. 4220

OFFICE OF THE SECOND MEMBER OF COUNCIL. 5 DEC. 1935 No. 4355

2948

Bill to Amend the Lycees et Boards Act

General and Revenue Secretariat	File No.	of 193	[App. F. III—7

Serial No.

The Bill was read in Council at the meeting held on 18.12.3. and refd to a Select Committee the personnel of the Committee are as at list flag

The file will be sent to L.C Office for making up the copy of the Proceedings pertaining to this Bill

Dom
20/12

)

The second members has ordered that the meeting of the Select Committee may be held on Friday the 27th inst. at 10 a.m. with due notice

SG
19/2

19 FEB 86
Date changed to 20-3-86.

TYPING SECTION
APR 1986

Issue
G
19/2/86

Issued vide 5671 of 86 dt 20/2

Dom
G 4/4

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-85

69 11 1934 6526

File No. of 193 General and Revenue Secretariat

The copy of the Report signed by the members of the Select Committee and a copy of the Bill as amended by the Select Committee are put up.

If approved they will be sent to the Press for publication

Se 5/5 35 457536

A copy is put up for favour of necessary action.

Se 5/5

Three typed copies of the Report and the amended Bill may, as usual, be sent to this office for taking further necessary action.

(Prot. Br. with cumpts)

Se 5/5/36

OFFICE OF THE SECRETARY
REPRESENTATIVE - COUNCIL
LEGISLATIVE COUNCIL

To type 3 copies of S.C Report and 3 copies of Bill

Se 6/5

TYPING SECTION
6 MAY 1936
GEN. SECT.

Bill to Amend the Dist Bds Regulation – Report of the Select Committee

General and Revenue Secretariat	File No.	of 193	[App. F. III—2

Serial No.

Report of the Select Committee & Copy of the Bill as amended by the Select Committee is put up for approval before publication.

A note signed by Messrs A. Chennappa and H. B. Gundappa has been received & is put up, submitted for orders if that may also be published

They signed the report subject to a note by

See 9/5/36.

The note of Messrs Chennappa & H.B. Gundappa is submitted herewith for perusal. It will be published with the report.

2nd Member) 9/5

NM 11/5/36.

The note covers more points than they said they would advert to

8709

Application for making 3 copies of Bill

See.

2 D.C. Offices with 3 copies each of the S.C. report, notes by 2 members & Bills as amended for publication.

See 12/5

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

RECEIVED SECTION. 12 MAY 1936 GENL & REV. SECTT

71

1526

District Boards Amendment Bill

File No. of 193 . General and Revenue Secretariat

Three copies each of the Report, amended Bill and the note of Messrs. G. Channappa and H. B. Gundappa taken and the file pets to the Pvt. Bs with compts)

14/5/36

The Report of the Select Committee may be published & copies thereof sent to members.

The following motions may be moved at the ensuing Session of the L.C.

(a) motion that the Bill and the Report of the Select Committee thereon be taken into consideration

(b) motion that the Bill as amended be passed

Submitted for orders

See 4/6/36.

Dy Sec 2nd Branch

6 5/6.

7995 5/6

7.6.

4876

District Board Bill.

72

General and Revenue Secretariat | File No. of 193 . | [App. F. III—2

Serial No.

Amendments to the District Board Bill have been proposed by Mr.G.Chennappa, and they are mostly based on the points raised in the dissenting note of Mr. Chennappa.

These points had been raised before the Select Committee but were not adopted.

Amendment 1.- The wording of the caluse in the bill was approved by the majority of the Committee. The suggestion that the term of office should commence as soon as the result of election is known was not accepted by the Committee. The amendment proposed will make it difficult to know definitely when a President or Vice President might be considered to have been elected.

2. Objection is taken to the words "Loss or waste" on the ground that they are wide. This suggestion also was not adopted by the Select Committee. These words are in the Municipal Regulation.

3. This amendment is proposed as it is considered that previous sanction of Government is a sufficient safeguard. This was also not adopted by the Select Committee after discussion.

4. The member wants that Village Panchayets should not have power to establish fairs etc., This was also discussed in the Select Committee and dropped.

NOTE—Contn Sheet.

WD 03594—GPB—30,000—18-7-35

5. By this amendment it is ~~xxxx~~ proposed that presidents should be authorised to send budgets and administration reports direct to Government and not through the Deputy Commissioners. This was also not adopted by the Select Committee. After discussion the further provision requiring the Deputy Commissioner to send the budget to the Government with his remarks was omitted.

6, 7 and 8. It is proposed by these amendments to authorise the Comptroller to surcharge instead of the Deputy Commissioner. The Select Committee considered that these powers may be vested in the Deputy Commissioner. Power to surcharge after enquiry and recovery of amounts as arrears of Land Revenue ~~or debtor~~ are better ascertained by the Deputy Commissioner than by the Comptroller.

9. The publication of the administration report is proposed to be left to the District Board. The Government will then have no opportunity to direct any change or corrections in the report. Further for purposes of uniformity in all the District Boards the approval of Government is desirable.

10. The provision for delegation by Government of its powers is proposed to be omitted. The mover seems to be afraid that delegation may be to some subordinate officer not of sufficient status. It was explained in the Select Committee that the delegation would be to an officer of sufficient status for dealing with District Boards and

P.S. no 5/36-37

District Board Bill 65 24

711

General and Revenue Secretariat — Legislative File No. 9 of 1936. [App. F. III—2

Serial No.

and the suggestion was not adopted.

11 to 14. These amendments are proposed with a view that District Boards should have direct relations with Government without the medium of the Deputy Commissioners

All these suggestions were considered at the Select Committee and none of them was adopted.

OFFICE OF THE SECOND MEMBER OF COUNCIL
12 JUNE 1936
NO 9657

2nd Member) 11/6/36

11/6/36.

13/6/36.

6/7/6/36

The Bill was passed at the 2.c meeting on June. 5th the amendments brought forward were either lost or withdrawn except the first one to clause 6(1) which was accepted

Sanction of H.E. has been accorded on 14th June 36

Submitted a draft G.O for publishing the Bill

See 29/7

29/7

FILING SECTION
1936

Printing

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

1 G.C No 856 dt 31/7 ordering the publication of Regn. V of 1936.

Printed copies sent to Revenue Secy

7.9.36

A Bill further to amend the Mysore District Boards' Regulation, 1926.

Whereas it is expedient further to the Mysore District Boards' Regulation 1926, it is hereby enacted as follows:-

1. To sub-section 3 of the Mysore District Boards' Regulation, 1926, (hereinafter referred to as "the said Regulation"), the following sub-sections shall be added, existing sub-sections (1) to (4) being renumbered as (2), (3), (4) and (6) respectively and the words "by the Government" being inserted between the words "prescribed" and "by" in sub-section (6) as re-numbered, namely:-

"(1) "dangerous disease" shall mean cholera plague, small-pox and any epidemic or infectious disease by which the life of man is endagered.

(5) "market" means a place where goods animals are publicly exposed or brought for sale periodically.

(6) "public ferry" means a ferry used the conveyance for hire of any pass animal, cart, carriage or other vehicle or goods.

(7) "private market" means a market other than a public market.

(8) "public market" means a market which a district board opens under section 54 or a market the control over which is vested in or may be a Municipal Council or a Village Panchayet by the Government

(9) "subject of His Highness the Ma ja by domicile" means one who has resid

Reasons for the amendment

clause 1 - It is necessary to define the expressions referred to in this clause to avoid ambiguity and repetition. Vide also clauses 30 and 31 infra. - - - - - - - - - - - - - - - - - -

[Mund Regn 3(15)]

[c.f. C.P. 2(2)]

[Bom. Ferries Act]

[c.f. C.P 2(3)p]

[c.f. C.P 2(3)]

clause 1(9) - [Vide clause 5. Mys Bd Regn 9]

76

in the Mysore State or in the Civil and Military Station, Bangalore, for a period of not less than five years."

clause 2
The minimum elected element is raised to three-fourths of the total strength of the Boards

2. In sub-section (3) of section 5 of the said Regulation, for the words "two-thirds" the words "three-fourths" shall be substituted.

clause 3. This clause prescribes the maximum strength of members elected by special constituencies.

3. In section 7 ~~of~~ the said Regulation, after the words "special constituencies" the words ", if any, approved by the Government" shall be inserted and the following shall be inserted at the end of the section, namely:-

"Provided that the total number of members elected by special constituencies shall not exceed one-~~eighth~~ fourth of the total number of members fixed under section 6"

clause 4. This legalises the existing practice of preparing lists of voters when the term of the Boards is about to expire.

4. In sub-section (2) of section 8 of the said Regulation, the words "is about to expire" shall be ~~substituted for~~ inserted after the words "has expired".

clause 5 and 6 —
Vide clauses 1 and 2 of the said Regulation

5. In section 9, for the words "and who is not subject to any disqualification specified in section 10 or any other provision of this Regulation or the rules thereunder," the words "and who is not of unsound mind" shall be substituted and the explanation to the section shall be omitted.

It is not necessary to prescribe disqualifications of voters separately in the Regulation. Section 10 has been framed to prescribe the general qualification of Members as in the Municipal Regulations and other British Acts.

Disqualification of members.

6. For section 10 of the said Regulation, the following shall be substituted, namely:-

"10. No person may be a member of a District Board

~~Board~~ (a) who is less than twenty-one years of age; or

(b) who is a judge of a civil court; or

(c) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently rever-

[Vide Bom. 9]

(d) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 that Code, such order not having been subsequently reversed or quashed, or

(e) who has been dismissed from municipal district board or Government service, or,

Note. may be omitted as this does not find a place in the old Rules

(f) who was a legal practitioner whose sanad has been permanently withd. by the High Court or,

(g) who has been removed from office under section 27, or

(h) who is a legal practitioner whose sanad has been suspended by a final order of a competent court, during the period of such suspension, or

(i) who is an undischarged ~~solvent~~ insolvent, ~~and has been~~

and no person

(j) who is a salaried officer or servant of a district board, or

(k) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order a district board, or in any contract or employment with, or under, or by, or on behalf of a district board, or

(l) who is employed as paid legal practitioner on behalf of a district board or accepts employment as legal practitioner against a district board

may be a member of such board.

Provided that

(a) the disqualification in clause (d) will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(b) the disqualification in clauses (c) (e), (f) and (g) will cease to operate after the expiry of three years from the date of such sentence, dismissal, withdrawal or removal or earlier by an order of the Government;

(c) a person shall not be disqualified ~~from~~ incurred disqualification under clause by reason only of such person—

(i) having a share in any joint stock company or a share or interest in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by or on behalf of the district board; or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the district board may be inserted, or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the district board".

Disqualifications of candidates.

7. For section 11 of the said Regulation the following shall be substituted, namely:-

"7. Every person who is ~~entitled~~ qualified to vote at an election of ~~an~~ a member to a district ~~boa~~ board in any constituency and who is ~~not~~ of unsound mind and is not disqualified to be a member of the District Board shall be qualified to be candidate at any election in such constituency, provided that a person shall not be qualified to be a candidate at a bye-election held in an constituency for the election of a member to a board

(a) if he is already a member of such board, or

(b) if he has been already elected as a member of such board and his term of office has not yet commenced."

clause 7 this is consequential to amendment of Section 10, by clause 6.

[Mad 55 (2) 15]

4

8. In sub-section (3) of section 12 of the said Regulation, the words "and subject to the provisions of section 11", shall be omitted.

9. At the end of sub-section (5) of section 14 of the said Regulation, the following explanation shall be inserted:-

"Explanation.- The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or rules made thereunder whereby the result of election has been materially affected".

10. For section 15 of the said Regulation, the following shall be substituted, namely:-

"25. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a member, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation".

11. In section 16 of the said Regulation after the words "if any" the words "and the names of Presidents and Vice-presidents elected under this Regulation" shall be inserted.

12. For sub-sections (2) and (3) of section 17 of the said Regulation, the following shall be substituted, namely:-

" (2) During a vacancy in the office of the president of a district board and when there is no vice-president to take his place, the Deputy Commissioner or the person

performing the duties of the Deputy Commissioner for the time being shall, notwithstanding anything contained in this Regulation or in the rules, orders or notifications issued thereunder, perform the functions of the president".

Vice-president.

(3) For every District Board there shall be a vice-president, it and whenever the district board so desires and he shall be an elected from among the members of the board, other than the president".

clause 13 - This provides for preventing undesirable cases from happening for the offices of president and vice-president.

13. In sub-section (2) of section 18 of the said Regulation, the words "or a person who has been removed from the office of president or vice-president at any time under sub-section (1) of section 23" and persons shall be inserted after the words "government", ~~and the following shall be inserted as sub-section (3) of the said section, namely:-~~ and "servants" respectively

clause 14, clause (a) of section 19 is redrawn under section 29(2)(c). ~~clause 14~~. The wording has been made identical with that in the municipal Regulations Bills. Vide sub-clauses.

14. For clauses (a) and (e) of section 19 of the said Regulation, the following shall be substituted, namely:-

"(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Regulation and subject to the provisions of section 20 and ~~of~~ of the orders of the Board the rules for the time being in force, perform such other executive functions as

may be performed by or on behalf of the district board over which he presides";

(e) furnish any extract from the minutes of the proceedings of the district board or of any committee or other documen or thing which the Deputy Commissioner or the officer authorised by the Government in this behalf from time to time calls for under section 93".

15. After section 19 of the said Regu lation, the following new section shall be inserted, namely:-

Custody of records.

clause 15 The president is made responsible for the custody of all records

*[City municipalities Bill 25]

"19A. The president shall be responsi ble for the custody of all records of the ~~municipal council~~ district board including all papers and documents connected with the proceedings the ~~council~~ district board and all the committees, and sh arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose".

clause 16. Vide clauses 25 and 26.

~~[City municipalities Bill 31]~~

16. In sub-section (1) of section 20 of the said Regulation, for the words "the standing, economic, public health or other committee" the words "any committee" and for the word and figures "31,32,33 and 34" the word and figures "31 and 32" shall be substituted.

Functions of vice-presidents.

[City municipalities Bill 26].

clause 17. Power is taken to Govt to define by order the duties of the Vice-president. Where the Dy Comr is ex-officio president of the board, the vice-president is

17. For section 21 of the said Regul tion, the following shall be substituted, namely:-

"21. (1) It shall be the duty of the vice-president of a district board to exe cise such of the powers and perform such the duties of the president as the presid from time to time deputes to him in accor ance with the general or special orders

the Government issued in this behalf.

empowered to perform the duties of the president when the latter is on leave or for any other reason.

(2) It shall be the duty of the vice president pending the succession, appoint ment, or election of a president, or duri the absence of a president on leave, to e cise the powers and perform the duties of the president.

(3) When the Deputy Commissioner has been appointed ex-officio president of a municipal council, notwithstanding anythi contained in section~~s~~ ~~xxxxx~~ 9 of the Myso Land Revenue Code, the vice-president sha exercise the powers and perform the duti of the president during the period when t office of the president is vacant".

clause 18. As the discretion to have a vice-president is given to the district boards, leave to vice-presidents may be given by district boards.

18. For clause (b) of sub-section (1 of section 22 of the said Regulation, the following shall be substituted, namely:-

"(b) by the board in other cases"

19. After section 22 of the said lation, the following new sections shall inserted, namely:-

Vacation of office by vice-president on -- becoming president.

[Bombay Act 23 (1924)]

clause 19. This provides for automatic vacation of office by presidents and vice-presidents. In certain cases it is considered expedient to require the president to live within ten miles of the head-quarters of the district. and power is also taken to remove presidents and vice-presidents if they are ~~xxxxxxxxx~~ unable to pay their debts

"22A. If the vice-president ~~of a dis~~ of a district board is appointed or elect as president of the board, he shall be de to have vacated his office as vice-presid

22B. Every president and every vice president of a district board shall be de to have vacated his office as such presid or vice-president in the event of his fai to reside at the Headquarters of the dist for which the board is established or ten miles of such headquarters, within month of his being elected or appointed t his office.

Vacation of office by president and vice-president for want of confidence.

22C

~~22(C)~~ Every president other than a salaried servant of the Government appointed ex-officio or by name as president district board and every vice-president shall forthwith be deemed to have vacated his office—

[city Municipalities Bill 23 (10)]

(a) if a resolution expressing want confidence in him is passed by a majority of not less than two-thirds of the whole number of members of the board at a special meeting convened for the purpose or

(b) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of members of the board at two meetings convened for the purpose within an interval of not less than two months and not more than four months each other.

Removal of presidents and vice-presidents.

22D.

~~22(D)~~ Every president and vice-president shall, after an opportunity is ed for hearing him, be removable from office as such president or vice-pre by the Government for misconduct in discharge of his duties or for negle or incapacity to perform his duties he is unable to pay his debts:

[city Municipalities Bill 23 (11)]

Explanation.- A person may be pre to be unable to pay his debts if he is under arrest or imprisonment in execut of the decree of any court for the payment of money.

clause 20, this to be renumbered to clause 18 and 19.

20(1) In sub-section (1) of sect 23 of the said Regulation, the words as otherwise provided in this Regu

shall be inserted between the words "shall" and "cease", the provisio to the sub-section being deleted.

(2) In sub-section (2) of the same section the words "or in the event of a president or vice-president vacating his office under the provisions of this Regulation" shall be inserted after the words "district Board"

21. For section 25 of the said Regulation the following shall be substituted namely;

"25. A member of ~~the~~ a district board other than the president may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the notice. The president may resign his membership or his office as president by giving a notice in writing to that effect to the Government and it shall take effect from the date on which the intimation of such acceptance reaches the office of the president."

Clause 21. This supplies an omission in the existing Section as regards the resignation of office of president and the date on which it takes effect. ~~and is based on the provision in the Municipal Regulations.~~ [City Councils Bill 13]

22. In clause (b) of sub-section (1) of section 26 of the said Regulation, for the words, letters, figures and brackets" clause (a) or (b) of priviso (i) to section 11," words letters, figures and brackets "paras (i) and (ii) of clause (c) of the priviso section 10" shall be substituted.

Clause 22. This is consequential to clauses 6 and 7.

23. Between sections 27 and 28 of the said Regulation, the following new section shall be inserted, namely:-

Casual vacancies occurring by increasing the number of members.

"27.A. In the event of a vacancy occurring by increasing the number of

[city munics Bill 17]

clause 23. This supplies an omission ~~and is based on~~ the provision in the Municipal Regulations.

a district board under section 6, such vacan shall be filled up, as soon as conveniently may be, by the election or appointment as the case may be, of a person thereto who shall hold office till the next general election o for such period as the Government may in thi ~~office notify~~ newly notifies in the official gazette."

clause 24(1) this provides for undue delay in summoning special meetings.

[city munics Bill 27(2)]

24.(1) At the end of clause (a) of sub-section (2) of section 29 of the said Regula tion the following para shall be inserted, namely

"If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of members may call such meetir for a day not more than thirty days after th presentation of such request."

(2) At the end of clause (e) of the said sub-section, the following shall be inserted namely:-

[Mad 32(2)]

"The presiding officer shall subject to the rules for the time being in force regula the conduct of business and preserve order at the meeting.

(3) For clause (f) of the said sub-secti the following shall be substituted, namely:-

clause 24(3) - The clause has been recast so that it may refer to all presiding officers.

(f) All questions shall, unless otherwise specially provided, be decided by a majority of the votes of the members present and voting, the presiding authority having a second or casting vote in all cases of equal ty of votes."

clause 24(4). To disqualification to vote on subjects in which a member has pecuniary interest is extended to members of committees also.

(4) In clause (g) of the said sub-section (i) the words "or of a committee thereof" shall be inserted after the words "district board"

(ii) the word "any" between the

and "committee" shall be deleted.

(iii) the words "by himself or his partner" shall be inserted after the words "pecuniary interest".

25. In section 30 of the said Regulation Sub-Section (3) of

(a) the words "not inconsistent with any rules or orders made by the Government in this behalf" shall be inserted at the end sub-section (2);

(b) Sub-section (3) shall be numbered as sub-section (4), the following new sub-section being inserted between sub-sections (2) and (4) namely:-

"(4) Every member shall have access to the records of the district board or of any committee after giving due notice to the president, provided that the president may for reasons given in writing forbid such access".

Clause 25. Specific provision has been made as regards the right of members to have access to the records of the board.

[City Councils Bill 29(3)]

26. For sections 32, 33 and 34 of the said Regulation, the following sections shall be substituted, namely:-

"32(1) The ~~municipal council~~ District Board may constitute in addition to the standing committees any other committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to it; or may appoint individual ~~councillors~~ members or committees, to inquire into and report or advise on any matters which it may refer to them.

Clause 26. A single section has been framed for the constitution of committees other than the standing committees and specific provision has been made for the delegation of certain matters relating to them.

[City Councils Bill 31]

12

When persons other than members may serve on committees.

(2) Notwithstanding anything contained in this Regulation, it shall be lawful for the district board from time to time by resolution supported by not less than one

[City Councils Bill 32]

67

half of the whole number of members of the to appoint, as members of any committee under section 32, any persons who are not members of the board, but who may in the opinion of such district board possess special qualifications for serving on such committees, provided that the number of persons so appointed on committee shall not exceed one-half of the total number of the members of such committee.

Duties etc., of such persons.

All the provisions of this Regulation relating to the duties, powers, liabilities disqualifications and disabilities of ~~councillors~~ members of district boards shall be applicable so far as may to such persons.

Casual vacancies Re-eligibility.

33. A vacancy occurring in a standing committee ~~or in a committee appointed under section 32~~ shall, as soon as possible, and any vacancy occurring in ~~the~~ other committees be filled up by the election of a member thereto subject to the same provisions as those under which the member whose place is to be filled up was elected. A person elected under this section shall hold office so long as the person in whose place he is elected would have held it if the vacancy had not occurred. No person shall be ineligible at any time for election as a member of any such committee on the ground that he has previously been a member of that committee.

[City Councils Bill 33]

Subordination of committees to instructions of district board and compliance with requisitions of district board.

34. (1) Every committee shall conform to any instructions that may from time to time be given to it by the district board; the district board may, at any time, call for any extract from any proceedings of any committee, and for any return, statement

[City Councils Bill 37]

or account of report concerning or connect with any matter with which any committee been authorised or directed to deal, and every such requisition shall, without un reasonable delay, be complied with by the Committee so called upon.

Orders subject to revision and appeal.

(2) Every order passed by a committee appointed under section 32 shall be subject to revision by, and open to appeal to the district board in accordance with rules that may be framed by the district board in that behalf."

27. Section 37 of the said Regulation shall be treated as sub-section (1) thereof the proviso being deleted and the following being inserted as sub-section (2) thereof, namely:-

Liability of president, vice-president and members for loss, waste or ~~misappropriation~~ misapplication.

"(2) Every member of a district board shall be liable for the misapplication of money or other property owned by or vested in the district board, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, the chief officer, other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under the Regulation, shall be liable for such loss, waste or misapplication, if it is a direct consequence his neglect or has been caused or facilitated by his misconduct."

clause 27. Provision has been made for making members and executive officers responsible for loss or waste of money or property ~~caused or facilitated by their misconduct or neglect~~ belonging to the district board.

[City Councils Bill 44]

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28.(1) Section 42 of the said Regulat shall be numbered as sub-section (1) ~~the~~ the first seventeen words and ~~and~~ the provisos thereof ~~shall be~~ delete being

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(2) The following shall be inserted as sub-section (2) of the said section, namely:

"(2) Notwithstanding anything contained in sub-section (1),—

clause 28 The power of the boards as regards disposal of property and contracts has been balanced as in the case of municipalities. [City municipalities Bill, 42]

(a) the previous sanction of the Government shall be obtained in the case of every free grant of immoveable property whatever may be its value and of every lease for a te exceeding seven years, and of every sale or other transfer of immoveable property exceed two thousand rupees in value,

(b) before any contract for the supply of materials or goods for the execution of any work which will involve an expenditure exceeding five hundred rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the district board from persons willing to enter into such contract and, when the estimated value exceeds fifteen thousand rupees, no such contract shall be entered into without the previous approval of the Government or any officer duly authorised by the Governme in this behalf,

(c) no loan shall be raised except as provided for in section 72,

(d) any person appointed by the Governme to carry any work into execution on behalf of a district board may, subject to such control as the Government may prescribed, make such contracts as are necessary for the purpose of carrying such work into execution, the extent of the sum provided for such wor and shall pay to the person so appointed su sums as may be required for the said purpo to the extent aforesaid."

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29; In section 45 of the said Regulation :—

(1) For the words beginning with "Every district board" and ending with "subject to its authority" in sub-section (1), the following shall be substituted, namely :-

"It shall be the duty of every district board to make, subject to such exceptions and conditions as may from time to time be made or imposed by the Government in that behalf, reasonable provision for the following matters within the area under its jurisdiction and when effective provision can not otherwise be made, outside that area:-"

(2) The word "schools" in clau (c) and the whole of clauses (h),((l), (m) and(n) of sub-section (1) of the said section shall be deleted.

(3) The word "and" at the end of clause (c) of sub-section (2) of the said section shall be omitted and the following new clauses shall be inserted after clause (d) thereof; -

"~~clause (d)~~ (e) promote development of economic condition with special ference to Agriculture and Industries and commerce;

(f) ~~and Commerce to~~ encourage local and industries and to

clause 29. The less important of these duties now classed as obligatory have been treated as discretionary duties and the latter have been amplified, as in the municipal Bills (Vide clauses 58 to 60 of City municipalities Bill)

~~(f) and industries (f)~~ grant loans for this purpose subject to the rules made by Govt in this behalf; ~~(g) Institute, and~~ (g) institute, hold and manage fairs, cattle and agricultural shows and industrial ~~xxx~~ exhibitions;

(h) improve ~~xxxxx~~ breed of cattle;

(i) pay travelling allowances to members of the district board or any committee thereof subject to the rules prescribed in this behalf;

(j) provide motor and other transport facilities for the carriage of the public or guarantee from the district fund such sums as the district board shall think fit as interest on capital expended by the Government or a company for this purpose and grant loans for roviding capital for this purpose;

(k) ~~the~~ organisation and maintenance in time of famine or scarcity of relief and local relief works and of shops or stalls for the sale of necessaries of life;

(l) provide accommodation for any class of servants employed by the district board and grant loans to such servants for construction of houses subject to rules and conditions prescribed by the Government in this behalf;

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(m) contribute towards any public fund

fund raised for the relief of human suffering within or without the area under the authority of the district board;

(n) by a resolution passed at a general meeting and supported by one-half of the whole number of members of the board, arrange for any public receiption, ceremony or entertainment; and

(o) undertake any other matter not hereinbefore specifically named which is likely to promote the public health, safety or convenience or which is necessary for the carrying out of this Regulation expenditure whereon is resolved by the district board by the votes of not less than one-half of the whole number of members of the district Board and with the approval of the Government to be an appropriate charge on the district fund.

30. For section 54 of the said Regulation, the following section shall be substituted, namely :-

Public ferries.

'54 (1) No public ferry shall after the commencement of this Regulation be newly established or close without the sanction of the Government and no person shall keep open a ferry which has been entrusted to

[Bom. Ferries Act]

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cha

charge of the district board without a license from the district board;

(2) Whoever contravenes the provisions of this section shall, on conviction by a magistrate be punished with fine which may extend to five hundred rupees;

(3) Nothing in sub-sections (1) and (2) shall be deemed to apply to any person specially hiring a boat for the conveyance of himself or his family or friends or servants or goods or to the person letting such boat for hire for the said purpose.

54 A (1) No market, either private or public, shall be newly established in any area under the authority of a district board or a village panchayat without the previous sanction of the Government.

(2) The grant of permission under the last preceeding sub-section shall be subject to such conditions, and restrictions as the Government may lay down generally in respect of all or specially in the case of any or class of markets;

(3) No person shall keep open any area under the authority of a district board any private market which was lawfully established prior to the commencement of this Regulation

Clauses 30. The existing Section 54 has been found to be defective in many particulars. The control over cart stands and cart stands should be left to village Panchayats generally. Restrictions are also necessary as regards opening of new private markets and it is desirable to associate village Panchayats more largely with the management of local markets. and to exempt persons ... held under the manage- ... ment

or with the sanction of the Government under sub-section (1), after the commencement of this Regulation without ~~applying for~~ a license from the district board which shall be granted subject to the conditions prescribed in the bye-laws made by the district board and the rules prescribed by the Government in this behalf.

[Mad. 175]

(4) No person shall sell or expose for sale any article or anima in any unlicensed private market;

(5) Whoever contravenes the provision of this section shall on conviction by a magistrate be ~~pu~~nished with fine which may extend to five hundred rupees.

Exemption of jatras and fairs.

[C.f.c. P. 35]

(6) Nothing in sub-section (1) to (5) shall be deemed to apply to jatras, fa agricultural and cattle shows and exhi tions which ~~shall be regulated by rules framed~~ are managed by Muzrai and other officers under the Government in this behalf

[Mad 183 B.]

(7) If any question arises whether a place where persons assemble for the sale or purchase of articles of food or clothi of livestock or poultry of cotton, ground-nut or other industrial crops or other raw or manufactured products, market or not, the local authority concerned shall make a reference to the Go and the decision of the Govt. on the ques tion shall be final.

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31. In sub-section (3) of section of the said Regulation, between the word "shall" and "be furnishable" the words "if not furnishable under any other section of this Regulation," shall be inserte

32. After section 56 of the said Regulation the following new sections shall be inserted, namely:-

Search for and inspection of unwholesome articles of food or drink

[Commissioners Bill 15?]

clause 32. In the interests of sanitation and public health the insertion of a section empowering executive and other officers to prevent consumption of unwholesome articles of food or drink and inspect places in which dangerous diseases exist.

56 A. The District Sanitary Officer, the President, any member of a district board or any person authorised by the district board in this behalf, may at any reasonable time enter into and inspect any market, building, shop, stall or place used for the storage or sale in any public or private market and examine any article of food or drink or any drug or animal which may be therein, and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor he may seize the same.

(2) If the owner or person in whose possession such article, drug or animal is found consents thereto, such officer, President, member or the authorised person may destroy it, or dispose of it so as to prevent its being exposed for sale or use for human consumption.

(3) If such article, or drug is of a perishable nature, it may be di disposed of in the manner specified sub-section (2) without the consen the person in possession.

(4) In cases not falling under sub-sections (2) and (3), the articl drug or animal seized as aforesaid shall be removed forthwith and pla before a Magistrate for orders under section (5).

Penalty for possession of articles or animal unfit for human consumption or adulterated drug.

~~(5) If any animal, article or drug is brought before a Magistrate under sub-section (4) the Magistrate~~

(5) If any animal, article or drug is brought before a magistrate under sub-section (4), the magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with, as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees.

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, in ignorance of its nature shall not be liable to fine under hiss section.

President, etc., to have power of entry for inspection into buildings etc. where infectious disease exists.

56 B. The District ~~Sanitary~~ Health Officer, the President or any person authorised by the District ~~Sanitary~~ Health Officer or the President in this behalf, may enter at any time, after reasonable notice, into any building or premises in which any dangerous disease is reputed or suspected to

[Bom. 60]

exist, for the purpose of inspecting such building or premises.

Inspection to be made between sunrise and sunset.

(2) No such inspection shall made except between sunrise and s

Disinfection of buildings, etc.,

(3) If the district ~~Sanitary~~ health President or such person is of op that the cleansing or disinfectin building or premises or of a part of, or of any articles therein li retain infection, would tend to p or check the spread of any danger disease, he may by notice require owner or occupier to cleanse or fect the same within a time to be cified in such notice; provided the district ~~Sanitary~~ health Officer, Presi or such person considers that imme action is necessary or that the owne or occupier, is by reason of poverty otherwise, unable effectually to com with his requisition, he may himself cause such building or premises or articles to be cleansed or disinfect and for this purpose may cause such articles to be removed from such bui ing or premises; and the expenses in curred shall be recoverable from the said owner or occupier unless he was by reason of poverty, unable forthwith to comply with his requisition.

New. This was been inserted to define the meaning of words officers and servants of the boards.]

56. C. All officers and servants of the district board shall promptly comply with all instructions issued the district ~~Sanitary~~ health officer in exercise of the powers conferred on him by sections 56 A and 56 B.

K.M.R.3/3-33.

32(1) In sub-section (1) of section 57 of the said Regulation,

(a) after the words "any law in force" the words "or any rules made by the Government in this behalf" shall be inserted.

(b) para (iv) of clause (c) and the words beginning with "and fixing the fees payable" and ending with "belonging to the district Board" in para (g) shall be omitted.

clause 32. The bye-laws should be made after previous publication and may should not be inconsistent with the rules made by the Government

(2) After sub-section (2) of the said section, the following new section shall be inserted namely:-

(3) The power to the district board to make, cancel or alter bye-laws under sub-section (1) shall be subject to the condition of previous publication and all bye-laws made by district board in accordance with this Regulation shall have effect as if enacted in this Regulation.

32. In sections 58, 59 and 60 of the said Regulation, between the words "any" and "bye-law" wherever they occur the words "rule or" shall be inserted

clause 33. This regularises the existing practice of district boards keeping their funds in the Mysore Bank.

33 After the words "Government Treasury of the district in ~~Council~~ the" sub-section (3) of section 62 of the said Regulation, the words "or such other place of security as may be approved by the Government" shall be inserted.

34. For section 65 of the said Regulation the following shall be substituted namely:-

"65. The district fund and all property held by or vested in the district board under this Regulation shall be applied, subject to the provisions of this Regulation ~~for the purposes specified in section 64~~

Application of district fund and property.

25

[City municipalities Bill 55]

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for the payment of

(a) the salaries, allowances, pension & gratuities of its officers and servants,

(b) any amounts falling due on any loan contracted by the Board,

(c) expenses incurred ~~xxxxx~~ for holding elections to the district board under this Regulation and for

(d) ~~Regulation xxx~~ the purposes specified in section 45,

(e) all other purposes for which by or under this Regulation or the rules or bye-laws made under or any other law for the time being in force, powers are conferred or duties imposed upon the district Board, and

(f) with the previous sanction of the Government, any other purpose for which the application of such property or fund is in the public interest.

Provided that.-

(1) any funds granted to the district board by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf.

(2) ~~xxx~~ The Deputy Commissioner shall determine the amount of expenses to be incurred for holding elections referred to in clause (c) of sub-section (1) and his determination shall be final and binding on the district board.

Explanation:-

The expenses incurred for holding elections include the cost of:-

(a) preparation and revision of the lists of voters.

Clause 34 the existing restriction as regards expenditure outside the area under the authority of the board being incurred with the sanction of Govt has been dispensed with and the section has been revised as in the Municipal Regulations.

[Read - Schedule E - Rule 1.]

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(b) conduct of elections,

(c) maintenance of election establishment including the pay, pension and leave allowances, if any, o the officers of the Government of any other authority employed in the preparation and revision the election roll and in th duct of the elections.

35. (1) For sub-section (2) of section the following shall be substituted namely

"(2) A district board may on the appl tion of any person compound for a period not exceeding one year at a time with that perso for a sum to be fixed in accordance wit scale approved by the district board and paid monthly, quarterly or half yearly in advance in lieu of all tolls payable on any cart, carriage, vehicle or animal belongi such person in respect of all roads and br in the district vested in the district boa in respect of any particular road or bridg the district and issue a pass for the free passage of the cart, carriage, vehicle animal, provided that the sum charged shall be less than one-half of the amount which su person would have been liable to pay, if the cart, carriage, vehicle or animal had to pay toll once every day during the period for whi the pass is issued.

(2) In sub-section (7) of the same sect for the words "Any person, who being liable pay toll under this Regulation," the words "Any person who with intent to eva payment of toll on any cart, carriage

clause 35(1) the law as regards composition of fees is made identical with that in the municipal Bills.

[City Councils Bill 83(4)]

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clause 35(2) Leaving a road within a quarter of a mile to evade payment of toll is made punishable as in section 109 of the Madras District Municipalities Act.

vehicle or animal to leaves a road on which a toll gate station has been established passes over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier shall be substituted.

clause 35

36. In section 70 of the said Regulation for the words "Subject to the bye-laws made in this behalf" the words "Subject to the rules if any made by the Government in this behalf" shall be substituted.

36. After section 70 of the said Regulation, the following new sections are inserted, namely:-

Power of Government to suspend or prohibit levy of objectionable cesses etc.

"70.A. If it shall at any time appear to the Government, on complaint made or otherwise, that any toll, cess or fee levied by a district board is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said district board, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said toll, cess or fee and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the official gazette, suspend the levy of such toll, cess or fee or of such part thereof, until such time as the objection thereto shall be removed."

clause 36. Power is taken to Government to suspend or prohibit levy of objectionable cesses etc and to require district boards to impose cesses etc as in the Municipal Regulations.

[City Municipalities Bill 85]

The Government may, at any time, by a like notific tion, rescind any such suspension.

Power of Government to require district board to impose cesses etc.

70.B. Whenever it appears to the Govern ment that the balance of the district fund any district board is insufficient for mee ing the expenditure incurred under section 95 or for the performance of any duties in respect of which it shall have been declar under section 96 to have committed default the Gove nment may by notifica tion require district board to impose any such toll, ce or fee, specified in the notification as be imposed under sections 66, 69 and 70 if such toll, cess or fee is at the time imp thereto or to enhance any existing toll, c or fee in such manner or to such extent as Government considers fit, and the district board shall forthwith proceed to impose or enhance in accordance with the requisitio such toll, cess or fee under the provision this chapter, as if a resolution of the di trict board had been passed for the purpos

Provided that-

(a) the Government shall take into sideration any objection which the dist or any inhabitant of the district may make against the imposition or enhancement of s toll, cess or fee,

(b) it shall not be lawful for the di trict board to abandon or modify or to abol such toll, cess or fee when imposed and

(c) the Government may at any time, or modify any requisition made by it und this sub-section, and the levy of

toll, cess or fee or the enhancement, exc
as to arrears theretofore accrued due, sha
thereupon cease or be modified accordingly

37. (1) In the first sentence of sectio
71 of the said Regulation, ~~the following~~
~~shall be substituted, namely~~.-

~~"The railway cess shall be collected b
the Deputy Commissioner along with the
principal items of revenue on which it i
leviable."~~

~~(2) In the second sentence of the said
section,~~ after the words "to lease" the
words "for such period at a time not exc
ing the maximum prescribed by the Govern
ment as may from time to time be fixed b
the board" shall be inserted.

clause 37. Power is taken to Government to prescribe a maximum period for which the right to collect tolls or fees may be leased.

c.f city municipalities Bill 94(1) and 167(3)]

38. After section 71 of the said Regu
tion the following new sections shall be
inserted, namely-

"71.A. When any fee has been imposed
under section 70 or has been leased unde
section 71, any person employed by the
district board or lessee to collect such
fees or the lessee himself may, subject
the conditions of the lease, collect the
or expel from the place for the use of wh
the fee is payable any person who is lia
to pay the fee but refuses to pay it.

Power to expel persons who refuse to pay fees.

[City municipalities Bill 82(5)]

clause 38. Two new sections have been inserted (1) empowering the lessee to expel persons refusing to pay the prescribed fees and (2) making every tenant of land on which cesses are levied to pay proportionate cess on his land to the superior holders.

71.B. When a cess is imposed under the
provisions of sections 68 and 69 every
tenent of land in respect of which or in
respect of the assessment on which the
is imposed shall be liable in addition
to his rent to pay to his superior holde

[~~City~~ Bom. 98 and Central Provinces 49(5)]

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from whom the cess is recoverable, a sum calculated on such rent at a rate equal to that at which the cess is imposed and such sum shall be recoverable as though it were part of his rent."

P.T.O.

106

311-37.

39 ~~40~~. For Sections 76,77,78 and 79 of the said Regulation the following sectio under a new Chapter shall be substituted, ~~viz.~~ namely:-

'Chapter VII A'

District Fund Accounts and Administration Reports.

Prohibition of expenditure not budgetted for.

clause 39. A new chapter has been substituted for sections 76 to 79 after the model of chapter XI of the City Municipal Bill the control over the budget has been relaxed and provision has been made for surcharge.

76. Except as hereinafter provided n payment of any sum shall be made out of th district fund unless the expenditure of th same is covered by a budget grant, provide that the following items shall be excepted from this prohibition, namely:-

(a) refunds of taxes and other moneys which the ~~municipal council~~ district board is -- authorised by the Regulation of the rules made thereunder to make;

(b) repayments of moneys belong to the contractors or other persons held in deposit and of moneys collected or credited to the district fund by mistake;

(c) sums which the ~~municipal coun~~ district boa is required or empowered by this Regul pay by way of compensation;

(d) every sum payable

(i) under section 9 by of the ~~Dy. Comm~~ Deputy commr. and under se 39,96 and 98 by order of the

(ii) under a decree or orde a civil court passed against ~~Municipal council~~ district board,

(iii) under a compromise of suit or other legal proceeding claim;

312-37.

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(e) expenses incurred in the exercise of power conferred by bye-laws made under clause (e) of Sub-Section (1) of section 57, ~~and of Sub-section (e) of~~

(f) all contributions payable by the district board to the Government for the maintenance of water-supply, dispensaries and other institutions managed by the Government on behalf of the district board or on behalf of the district board and any other local authority or authorities.

Presentation of accounts

77. (1) The Standing Committee shall have prepared and laid before the district board at its quarterly meeting complete accounts of the receipts and expenditure of the district board since the first day of July last preceding and at a meeting which shall be held between the first day of February and the first day of April a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtieth day of June next following together with a budget estimate of the income and expenditure of the district board for the official year to commence on the first day of July next following.

Budget Estimate.

(2) The district board shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of July next following. The budget as passed by the district board

shall be sent to the Government through the Deputy Commissioner before such date as may be fixed by the Government, and the Deputy Commissioner shall submit the same to the Government with his remarks, if any, with the least practicable delay.

(3) In such budget estimate, the district board shall, among other things--

(a) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the district board by this Regulation or any other law;

(b) provide for the payment, as they fall due of all instalments of principal and interest for which the district board may be liable in respect of loans contracted by it;

(c) provide for the payment of all sums payable to the Government under section 39 and of all contributions maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government behalf of the district board or on behalf of the district board and any other local authority or authorities

(d) allow for a balance at end of the said year of not less such sum as may from time to tim fixed by the Government general all district boards or specia any district board;

any district board;

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

Revision of Budget.

78. If in the course of the official year the district board finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes it may do so, provided that without the approval of the Government.

(a) no reduction shall be made in amounts allotted for the several items specified in clauses (b) and (c) of sub section (3) of section 77, and

(b) the closing balance shall not be reduced below the sum fixed under clause (d) of sub section (3) of section 77.

Maintenance of accounts and restrictions on expenditure.

79. (1) Accounts of the income and expenditure of the district fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the district fund shall, save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in rules prescribed in this behalf.

(3) The district board shall at the general meeting in July or after of the past official year's account

such audit has not before that general meeting taken place, pass the accounts the past official year.

79 A. (1) The district fund accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be appointed by the district board.

(2) The auditor or auditors for the purposes of their office, have access to all the accounts and other records of the district board.

(3) The district board shall pay from the district fund such charges for the audit as may be agreed upon and in the case of a Government auditor, such charges as may be prescribed by the Government.

Powers of Government auditor.

79B. ~~79 (3)~~ The Government auditor may--

(a) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(b) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him; and

(c) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

79C. ~~83~~. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the ~~municipal council~~ Standing Committee a report upon the audit of the ~~municipal~~ district fund accounts.

(*b*) report to the ~~municipal council~~ Standing Committee and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the ~~municipal council~~ district board or in the ~~municipal~~ district fund accounts; and

(*c*) report to the ~~municipal council~~ Standing Committee and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the ~~municipal council~~ district board

Standing Committee to remedy defects.

(2) The standing committee shal forthwith remedy any defects or irre latities that may be pointed out by the auditor.

Disallowance by Government auditor and order by Deputy Commissioner.

79. (1) The Government auditor s disallow every item contrary to law report the same to the Deputy Commis with particulars as regards the pers making, or authorising the making of the illegal payment.

(2) The Deputy Commissioner may on th report of auditor or on his own moti pass an order charging any person responsible therefor the amount of a deficiency or loss incurred by the n ligence or misconduct of that person of any sum which ought to have been is not brought into account by that person after affording him an opport to explain and shall, in every such cas certify the amount due from such pe

(3) The Deputy Commissioner shal state in writing the reasons for his decision in respect of every charge furnish a copy thereof to the person against whom it is made.

79E. Any person aggrieved the order of the Deputy Commissioner under the last preceding section may, within on month after he has received or been served with the decision of the Dy. C either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in case after taking such evidence as is

necessary, may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application the person so aggrieved may, within the like period appeal to the Government who shall pass such orders as it thinks fit.

Recovery of amounts disallowed.

79.7. Every sum certified to be due from any person by the ~~Collector~~ Deputy commissioner under this Regulation shall be paid by such person to the district board within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due shall be recoverable by the ~~Collector~~ Deputy commissioner as an arrear of land revenue and credited to the district fund ~~after satisfaction therefrom of the necessary expenses of such recovery~~.

Transmission of accounts to Government.

79.8. The district board shall, as soon as the annual accounts have been finally passed by it, transmit to the Government or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and ~~x~~ vouchers relating to the same as the Government or such officer may from time to time direct.

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Annual administration report.

79 H. (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the District Board shall submit to the Deputy Commissioner, a report on the administration during the preceding official year in such form anl with such details as the Government may direct.

(2) The president shall prepare the report and place it before the district board for consideration and forward it to the Government through the Deputy Commissioner with the resolution of the district board thereon

(3) The report may be published in such manner as the district board subject to the approval of the Governmen may direct."

41. For sections 88, 89 and 90 of the said Regulation, the following sections shall be subscribed, namely:-

Officers

(1) Subject to the rules prescribed in this behalf and subject to the provisions of sub-section (2), every district board shall employ such officers and servants as are necessary for the efficient carrying out of the purposes of this Regulation and determine the respective designations, duties, salaries and allowan of such officers and servants, the powe

clause 40 Existing sections 88, 89 and 90 have been modified and provision has been made for preventing extravagant expenditure on establishments and defining the duties and powers of the chief offic as in the City Municipal Bill. The appointment of chief offic is made obligatory where the Govt so directs.

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and duties to be delegated to them under section 20 and fix the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security.

Service regulations.

89. The recruitment, leave, punishment, transfer, pensions, gratuities, leave, absentee and travelling allowances and all other matters relating to the officers and servants of ~~municipal councils~~ district boards shall be regulated by the rules prescribed or the special or general orders of the Government in this behalf.

Power of Government to prevent extravagance in the employment of establishment.

(2) If in the opinion of the Government the number of persons who are employed by a district board as officers or servants or whom a district board proposes to employ, or the remuneration assigned by the district board to those persons, or to any particular person, is excessive, the district board shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

Appointment of Chief Officer.

90. (1) Any district board may and when required by the Government by an order in this behalf shall, within such time as may be fixed therein, appoint a chief officer for the district.

(2) The appointment of a person as Chief Officer shall be subject to the approval of the Government.

(3) No such officer shall, save with previous approval of the Government, removable from office, reduced, or suspended.

(4) It shall be in the discretion of the Government to make an order vetoing the continuance in the office of chief officer of any person appointed thereto and the tenure of such office by such person, shall cease and determine on an from the date on which such order is communicated to the president of the district board.

(5) When a chief officer shall have been appointed, all other officers and servants employed by the district board, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

90 A. Appointment of health officer and engineer

(1) Any district board may, with the sanction of the Government, appoint a health officer and an engineer or any or more of such officers, whether temporarily or permanently.

(2) No such officer shall, save with the previous sanction of the Government be removable from office, reduced or suspended.

Duties of chief officer.

90 B. The Chief Officer shall -

(a) subject to the general control of the president, perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under, this Regulation;

(b) subject to the orders of the president, or of the standing committe or of the district board as the case m be, take prompt steps to remove any irregularity pointed out by the audito

(c) report to the president, the standing committee and the district board all cases of fraud, embezzlement, theft or loss of district board money or property,

(d) supply any return, statement, acc unt or report or a copy of any document in his charge called for by the distric board or the standing committee and sha comply with any orders passed by the district board or the standing committe thereon; and

(e) subject to the rules prescribed in this behalf and subject to the con of the president, perform and exercise the duties and powers of the president specified in clauses (b), (i), (e) of sub-section (1) of section 19 and in clause (c) of the same sub-section i

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in regard to the officers and servant of the district board.

90. The chief officer shall exercise the powers hereinafter specifi and such other powers as may be delegat to him by the district board under the provisions of this Regulation:—

Powers of chief officer.

(a) he shall have power, subject to the provisions of this Regulation and of the by-laws for the time being in force thereunder, to grant, give and is under his signature all licenses and permissions which may be granted or giv by a ~~municipal council~~ district board under this Regulation, other than licenses for markets

(b) he may, subject to the provision aforesaid, at his discretion, suspend, with-hold or withdraw any license in an case in which he is empowered as aforesaid to grant or give a license, and in which the district board may under the provisions aforesaid suspend, with-hold or with-draw such license;

(c) he shall receive and recover and credit to the district fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid;

(d) he may subject to the control of the president and to the provisions of section 42

(i) enter on behalf of the district board into contracts which do not involve an expenditure of over two hundred rupees; and

(ii) invite, on behalf of the ~~municipal council~~ district board and by public notice, tenders for the execution of any approved work or for for the supply of any materials or goods required by the district board; and

90 D. ~~(1)~~ It shall be lawful for the Government

(1) to require that any person appointed to be a chief officer shall be invested by any such district board with all or any of the powers which can under this Regulation or under any rules in force at the time be lawfully delegated to him.

(2) Any requisition issued to the district board under sub-section (1) shall be compiled with within such time as the Government may in each case, fix in that behalf.

90 E. The chief officer shall, subject to the control of the president and independently of such powers as may be delegated to him by the district board in this behalf, have power -

Chief Officer's powers of appointment and punishment.

(a) to appoint to any post in the inferior service, and to fine, reduce, suspend or dismiss any person holding such post;

(b) subject to the provisions of the rules for the time being in force, to fine, reduce, or suspend any other ~~municipal~~ officer or servant;

Provided that his order in respect of any punishment shall be subject to an appeal to the standing committee.

Chief Officer may make explanations at meetings.

55 F The chief officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the district board or of any committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting."

Clause 41. Power is taken to Government to suspend district board officers and the redundant portion in clause (1) of Section 92 has been omitted.

41. In section 92 of the said Regulation,

(a) before the words "subject to such rules, the words "The Government and " shall be inserted.

(b) the portion of clause (b) occurring after the words "aggrieved party" shall be deleted.

Clause 42 in order to enable officers of Govt. like the Director of Health, Sanitary Engineer etc to advise district boards as to matters within their expert knowledge, power has been taken to Govt to confer on specified officers the powers of entry, inspection etc vested in the Deputy Commr.

1, 2 After sub-Section (2)

~~42.~~ Section 93 of the said Regulation shall be treated as sub-section ~~(1) thereof and~~ the following shall inserted as sub section (3), namely:

"(3) All or any of the powers given to the Deputy Commissioner under sub-sections (1) and (2) may be conferred by the Government on any officer subordinate to it."

clause 43

Vide clause 218 of the city municipalities Bill.

43. ~~44.~~ In sub-section (1) of section 94 of the said Regulation, after the words "breach of peace" the words "or is unlawful" shall be inserted.

clause 44

Vide clauses 219 and 220 of the city municipalities Bill.

44. ~~45.~~ (1) After the word "balance" in sub-section (2) of section 95 of the said Regulation, the words "and such person shall be bound to comply with ~~obey~~ such order" shall be inserted.

(2) For sub section (3) of the said section, the following shall be substituted, ~~subscribed~~, namely:-

"(3) The provisions of sub-section (2) of section 94 shall apply, so far as may be, to any order made under this section"

clause 45

Vide clause 224 of the city municipalities Bill.

45. ~~46.~~ In sub-section (1) of section 96 of the said Regulation, after the words "by or under this Regulation", the words "or by or under any enactment for the time being in force", shall be inserted and after the word "balance" in sub-section (3) of the said section, the words "and such person shall be bound to comply with ~~obey~~ such order" shall be inserted.

46. ~~47.~~ After section 96 of the said Regulation, the following new section shall be inserted, namely:-

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clause 46. Provision has been made for the prompt recovery of dues by district boards to Government.

[City Councils Bill 225]

96 A. If a district board makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the district fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the district board admit, be bound to comply with such order."

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T. D

For Section 97 of the said Regulation, the following section shall be substituted namely :-

Power of Government to dissolve supersede district board in case of incompetency, default, or abuse of powers.

"97 (1) If after such enquiry as the Govnment may consider necessary, the Govnment is of opinion that any district Board is not competent to perform, or perstently makes default in the performar of, the duties imposed on it by or und this Regulation, or otherwise by law or ceeds or abuses its powers, the -- Govment may, by an order published, with theasons for making it in the official gate, declare the district board to b incetent or in default, or to have ex cel or abused its powers, as the ca ma , and may dissolve such district bo or supersede it for a period to sp ied in the order.

Consequences of exercise of such power.

) When the district board is so sueded, the following consequences shensue:—

) all members of the district Board shall, in the case of disolution as from the date specified in order of dissolution and in t case of supersession from th date of the order of supersess vacate their offices as such members;

all powers and duties of the d trict board shall, during the period between dissolution an constitution or of supersessi be exercised and performed by

by such person or persons as the Government from time to time appoint in that behalf;

(c) all property vested in the district board shall, during period between dissolution and re constitution or of supersession, ... in the Government subject to all ri... over and ~~xkxxxigkxsxaxex~~ all debts liabilities and obligations, if affecting that property.

(3) After the issue of an order un sub-section (1), the district board shall by the election or appointment be reconstituted-

(i) in the case of dissolution the date specified in the order, or

(ii) in the case of supersessio on the date specified in order under sub-section (or sub-section (4) as the case may be, and the pers who vacated their seats u clause (a) of sub-section (2) shall not be deemed d qualified for election or appointment.

Power after enquiry to continue period of supersession.

(4) If, after enquiry made, the G -ment so directs, the period of su session with all the consequences aforesaid shall from time to time continued by an order published as aforesaid until such date as may be fixed by the Government for the re establishment of the district boar...

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49A Section 98 of the said Regula...

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shall be treated as sub-section thereof and the following shall b inserted as sub-section (2) theree namely :-

"(2) No suit shall be entertained by a civil court in respect of an dispute referred to in sub-section (1)

clause 48 civil courts are debarred from entertaining suits in respect of disputes among local bodies.

[City Municipalities Bill 227(2)]

49. (1) For clause (b) of sub-section (2) of section 100 the said Regulation, the following shall be substituted, namely :-

clause 49(1) specific provision has been made for requiring candidates to make deposits and forfeiting the same to the district boards.

[c.f. City Municipalities Bill 228(2)(b)(vii)]

"(b) for the appointment of members for regulating generally the election of members and other matters incidental or ancillary thereto including the manner of voting by voters, the number of votes which a voter may give and the deposits to be made by candidates standing for election and the condition under which such deposits may be forfeited, and with reference to all matters relating to the election of presidents and vice-presidents and the constitution of district boards;"

clause 49(2) Vide clause 25.

(2) After the word "Committees" in clause (c) of the said sub-section the words "and to the interpellation of the president by the members and moving of resolutions at meetings of district boards" shall be inserted

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clause 49(3) Vide clause 25 of this section.

[City Municipalities Bill 228(2)(y)]

(3) For clause (n) of the sub-section the following clause shall be substituted, namely :-

(a) as to the conditions under

which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom;"

clause 49 (4) Power has been taken to Government to prescribe punishment for breach of rules.

(4) clause (7) of the said sub-section shall be renumbered as clause (8), the following new clause being inserted after clause (6), namely

"(2) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty five rupees for every day on which such breach continues after the date of viction or any subsequent date as be fixed by the magistrate;"

[City municipalities Bill 128 (2) (m)]

50. After section 100 of the said Regulation, the following new sections shall be inserted namely:

Power of Government to cancel or modify by-laws and rules of district board.

[City municipalities Bill 229]

clause 50 Power has been taken by Govt to repeal or modify bye-laws and delegate the powers of Govt to subordinate officers.

"10 A (1) The Government may a any time by notification in the of cial gazette repeal wholly or in par or modify any rule or bye-law made by any district board.

Provided that before taking action under this sub-section the Government shall communicate to t district board the grounds on whi it proposes to do so, fix a reaso

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reasonable period for the district board to show cause against the proposal and consider the explanation and objections, if any, of the district board.

(2) The repeal or modification of any rule or by-law shall take effect from the date of publication of the notification in the official gazette if no date is therein specified and shall not affect anything done, omitted or suffered before such date.

[town municipalities Bill 206]

Delegation of powers by Government.

100B. The Government may delegate all or any of its powers under this Regulation to any officer subordinate to it."

Powers of officers acting for, or in default of district board and liability of district fund.

100 C. When the Deputy Commissioner or any officer of the Government or any person appointed by him or the Government lawfully takes action on behalf or in default of the under this Regulation, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Regulation as the district board authority whose powers he is exercising, and compensation shall b recoverable from the district

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by any person suffering damage from the exercise of such powers to the same ext as if the action had been taken by such district board authority."

clause 50. Vide clause

50. In section 104 of the said gulation, clause (a) of the proviso be omitted, the word "or" at the end clause (c) being deleted and a full s being substituted for the comma prec it.

51 52. For section 105 of the said R gulation, the following section shall b substituted, namely :

Members etc., to be deemed public servants.

Dairy mines Bill 48] clause 57 Lessees of district board revenue and contractors under them include public servants.

105.(1) Every member of a distric Board, every official and servant maint ed or employed under a district board, ~~xxxxxxx~~ every auditor appointed under section 79 A and every lessee of the lev of any toll, tax or other revenue credit- able to the district fund and every serv or other person employed by any such less shall be deemed to be a public servant wit in the meaning of section 21 of the Ind Penal Code.

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(2) The word "Government" in the definition of "legal remuneration" in sec- tion 161 of that Code shall, for the purposes of sub-section (1) of this sectio be deemed to include a (municipal council. District Board

52. Section 106 of the said Regul

shall be
~~shall the~~ treated as Sub-section (1) there-

of and the following shall be inserted as

sub-section (2) thereof, namely :-

clause 52

Vide clause 201 of the City Municipal Bill

(3) Nothing in this section shall deemed to apply to any suit i tuted under section 54 of the specific Relief Act.1877.

53 ~~54~~. After sub-section (2) of

108 of the said Regulation, the follo

~~new~~ sub-sections shall be inserted nam

clause 53. Defects in the existing clause have been supplied. Vide Section 122 of the Municipal Regn.

(3) Nothing contained in this secti shall prevent the district board from allowing any temporary occupation of or erections in any public street on occa sions of festivals and ceremonies, and such manner, as not to inconvenience public or any individual.

(4) Nothing contained in this sect shall apply to any projection duly auth sed by the district board or in any wa where permission has been given sub-section (3) of this section".

clause 54

Vide clause 54, the control over Slaughter houses should be subject to the provisions of the Village Panchayat Act.

(a)
~~54~~. In clause of sehedule II of the

said Regulation between the words "As"

"a" the words " a slaughter house or a

shall be ~~x~~ inserted.

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DRAFT BILL.

A BILL FURTHER TO AMEND THE MYSORE DISTRICT BOARDS' REGULATION, 1926.

REASONS FOR THE AMENDMENT.

Whereas it is expedient further to amend the Mysore District Boards' Regulation, 1926, it is hereby enacted as follows :—

Clause 1.—It is necessary to define the expressions referred to in this clause to avoid ambiguity and repetition. *Vide* also clauses 30 and 31 *infra.*

1. In section 3 of the Mysore District Boards' Regulation, 1926, (hereinafter referred to as " the said Regulation ") the following definitions shall be added, namely :—

[City Municipalities Regulation 3 (5)].

(5) " dangerous disease " means cholera, plague, small-pox and any endemic or epidemic or infectious disease by which the life of man is endangered.

[*c.f.* Central Provinces Local Boards Act 2 (2)].

(6) " market " means a place where goods or animals are publicly exposed or brought for sale periodically.

[Bombay Ferries Act].

(7) " public ferry " means a ferry used for the conveyance for hire of any passenger, animal, cart, carriage or other vehicle or goods.

[*c.f.* Central Provinces Local Boards Act 2 (4)].

(8) " private market " means a market other than a public market.

[*c.f.* Central Provinces Local Boards Act 2 (3)].

(9) " public market " means a market which a district board opens under section 54 or a market the control over which is or may be vested in a village panchayet by the Government.

[*Vide Clause 5*, and District Boards' Regulation, 9].

(10) " Subject of His Highness the Maharaja by domicile " means one who has resided in the Mysore State or in the Civil and Military Station, Bangalore, for a period of not less than five years."

Clause 2.—The minimum elected element is raised to three-fourths of the total strength of the Board.

2. In sub-section (3) of section 5 of the said Regulation, for the words " two-thirds " the words " three-fourths " shall be substituted.

Clause 3.—This clause prescribes the maximum strength of members elected by special constituencies.

3. In section 7 of the said Regulation, after the words " special constituencies " the words " if any, approved by the Government " shall be inserted and the following shall be inserted at the end of the section, namely :—

" Provided that the total number of members elected by special constituencies shall not exceed one-eight of the total number of members fixed under section 6. "

Clause 4.—This legalises the existing practice of preparing list of voters when the term of the Boards is about to expire.

4. In sub-section (2) of section 8 of the said Regulation, the words " or is about to expire " shall be inserted after the words " has expired".

Clauses 5 and 6.—It is not necessary to prescribe disqualifications of voters separately in the Regulation Section 10 has been recast to prescribe the disqualification of members as in the City Municipalities Regulation, and other British Acts.

5. In section 9 of the said Regulation, for the words " and who is not subject to any disqualification specified in section 10 or any other provision of this Regulation or the rules thereunder " the words " and who is not of unsound mind " shall be substituted and the explanation to the section shall be omitted.

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6. For section 10 of the said Regulation, the following shall be substituted, namely :—

Disqualification of members.

10. (A) No person may be a member of a District Board :—

(*a*) who is less than twenty-one years of age, or

(*b*) who is a judge of a civil court, or

[*Vide* Bombay Local Boards Act 9].

(*c*) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed, or

(*d*) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*e*) who has been dismissed from municipal, district board or Government service, or,

(*f*) who was a legal practitioner whose sannad has been permanently withdrawn by the High Court or,

(*g*) who has been removed from office under section 27, or

(*i*) who is an undischarged insolvent, and

(B) no person,

(*a*) who is a salaried officer or servant of a district board, or

(*b*) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a district board, or in any contract or employment with, or under, or by, or on behalf of a district board, or

(*c*) who is employed as paid legal practitioner on behalf of a district board or accepts employment as legal practitioner against a district board,

may be a member of such board.

Provided that—

(*a*) the disqualification in clause (*d*) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(*b*) the disqualification in clauses (*c*), (*e*), (*f*) and (*g*) will cease to operate after the expiry of three years from the date of such sentence, dismissal, withdrawal or removal or earlier by an order of the Government ;

(*c*) a person shall not be deemed to have incurred disqualification under clause B (*b*) by reason only of such person—

(i) having a share in any joint stock company or a share or interest in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by or on behalf of the district board ; or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the district board may be inserted, or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the district board.

Clause 7.—This is consequential to amendment of section 10, by clause 6.

7. For section 11 of the said Regulation the following shall be substituted, namely :—

Disqualifications of candidates.

" Every person who is qualified to vote at an election of a member to a district board in any constituency and who is not of unsound mind and is not disqualified to be a member of the District Board shall be qualified to be candidate at any election in such constituency, provided that a person shall not be qualified to be a candidate at a bye-election held in any constituency for the election of a member to a board :—

[Madras Local Boards Act 55 (2) (*e*)].

(*a*) if he is already a member of such board, or

(*b*) if he has been already elected as a member of such board and his term of office has not yet commenced."

8. In sub-section (3) of section 12 of the said Regulation, the words " and subject to the provisions of section 11 ", shall be omitted.

Clause 9.—This supplies an omission.

9. At the end of sub-section (5) of section 14 of the said Regulation, the following explanation shall be inserted :—

[City Municipalities Regulation, 20 (5)].

" *Explanation.*—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or the rules made thereunder whereby the result of election has been materially affected."

Clause 10.—It is unnecessary to disqualify candidates committing corrupt practices from voting at elections. Provision for bar of suits relating to elections has been made as in the Municipal Regulations.

10. For section 15 of the said Regulation, the following shall be substituted namely :—

" 25. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a member, president or vice-president unless such suit is authorised by the provisions of this Regulation or any rule made under this Regulation."

Bar of suits relating to elections etc.

11. In section 16 of the said Regulation after the words " if any " the words " and the names of presidents and vice-presidents elected under this Regulation " shall be inserted.

Clause 12.—The district board is given full discretion either to have a vice-president or not and provision has been made for the Deputy Commissioner attending to the duties of the President in the absence of both the President and the Vice-President.

12. For sub-sections (2) and (3) of section 17 of the said Regulation, the following shall be substituted, namely :—

" (2) During a vacancy in the office of the president of a district board and when there is no vice-president to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being shall, notwithstanding anything contained in this Regulation or in the rules, orders or notifications issued thereunder, perform the functions of the President."

(3) For every District Board there shall be a Vice-President, if and whenever the District Board so desires and he shall be elected from among the members of the Board, other than the President."

Vice-President.

Clause 13.— This provides for preventing undesirable candidates from competing for the offices of President and Vice-President.

13. In sub-section (2) of section 18 of the said Regulation, the words "or a person who has been removed from the office of President or Vice-President at any time under sub-section (1) of section 23" and "or persons" shall be inserted after the words "Government," and "servants" respectively.

Clause 14, clause (*a*) of section 19 is redundant, *vide* section (29) (2) (*e*). The wording has been made identical with that in the Municipal Regulations.

14. For clauses (*a*) and (*e*) of section 19 of the said Regulation, the following shall be substituted, namely:—

"(*a*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Regulation and subject to the provisions of section 20 and of the orders of the Board and the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the District Board over which he presides";

(*e*) furnish any extract from the minutes of the proceedings of the District Board or of any committee or other document or thing which the Deputy Commissioner or the Officer authorised by the Government in this behalf from time to time calls for under section 93."

15. After section 19 of the said Regulation, the following new section shall be inserted, namely:—

Clause 15.—The President is made responsible for the custody of all records.

[City Municipalities Regulation 25.]

"19A. The President shall be responsible for the custody of all records of the District Board including all papers and documents connected with the proceedings of the District Board and all the committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose."

Custody of records.

Clause 16.—*Vide* clauses 25 and 26.

16. In sub-section (1) of section 20 of the said Regulation, for the words "the standing, economic, public health or other committee" the words "any committee" and for the word and figures "31, 32, 33 and 34" the word and figures "31 and 32" shall be substituted.

17. For section 21 of the said Regulation, the following shall be substituted, namely:—

[City Municipalities Regulation 26.]

Clause 17.—Power is taken to Government to define by order the duties of the Vice-President. When the Deputy Commissioner is *ex-officio* President of the Board, the Vice-President is empowered to perform the duties of the President when the latter is on leave or for any other reason.

"21. (1) It shall be the duty of the Vice-President of a District Board to exercise such of the powers and perform such of the duties of the President as the President from time to time deputes to him in accordance with the general or special orders of the Government issued in this behalf.

Functions of Vice-Presidents.

(2) It shall be the duty of the Vice-President pending the succession, appointment, or election of a President, or during the absence of a President on leave, to exercise the powers and perform the duties of the President.

(3) When the Deputy Commissioner has been appointed *ex-officio* President of a District Board notwithstanding anything contained in section 9 of the Mysore Land Revenue Code, the Vice-President shall exercise the powers and perform the duties of the President during the period when the office of the President is vacant."

Clause 18.—As the discretion to have a Vice-President is given to the District Boards, leave to Vice-Presidents may be given by District Boards.

18. For clause (*b*) of sub-section (1) of section 22 of the said Regulation, the following shall be substituted, namely:—

"(*b*) by the Board in other cases."

19. After section 22 of the said Regulation, the following new sections shall be inserted namely:—

[City Municipalities Regulation 23 4).]

Clause 19.—This provides for automatic vacation of office by Presidents and Vice-Presidents in certain cases. It is considered expedient to require the President to live within ten miles of the headquarters of the District, and power is also taken to remove Presidents and Vice-Presidents if they are unable to pay their debts.

"22A. If the Vice-President of a District Board is appointed or elected as President of the Board, he shall be deemed to have vacated his office as Vice-President.

Vacation of office by Vice-President on becoming President.

22B. Every President and every Vice-President of a District Board shall be deemed to have vacated his office as such President or Vice-President in the event of his failing to reside at the headquarters of the District for which the Board is established or within ten miles of such headquarters, within one month of his being elected or appointed to his office.

22C. Every President other than a salaried servant of the Government appointed *ex-officio* or by name as President of a District Board and every Vice-President shall forthwith be deemed to have vacated his office—

Vacation of office by President and Vice-President for want of confidence.

[City Municipalities Regulation 23 10)].

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of members of the Board at a special meeting convened for the purpose; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of members of the Board at two meetings convened for the purpose within an interval of not less than two months and not more than four months from each other.

22D. Every President and Vice-President shall, after an opportunity is afforded for hearing him, be removable from his office as such President or Vice-President by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts:—

Removal of Presidents and Vice-Presidents.

[City Municipalities Regulation 23 11)].

Explanation.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

Clause 20.—This is consequential to clauses 18 and 19.

20. (1) In sub-section (1) of section 23 of the said Regulation, the words "save as otherwise provided in this Regulation" shall be inserted between the words "shall" and "cease," the proviso to the sub-section being deleted.

(2) In sub-section (2) of the same section the words "or in the event of a President or Vice-President vacating his office under the provisions of this Regulation" shall be inserted after the words "District Board."

Clause 21.—This supplies an omission in the existing section as regards the resignation of office of President and the date on which it takes effect. City Municipalities Regulation 13].

21. For section 25 of the said Regulation the following shall be substituted namely:—

"25. A member of a District Board other than the President may resign his membership and a Vice-President may resign his office as Vice-President by giving notice in writing to that effect to the President and such resignation shall take effect from the date of the notice. The President may resign his membership or his office as President by giving a notice in writing to that effect to the Government and if such resignation is accepted it shall take effect from the date on which the intimation of such acceptance reaches the office of the President."

Clause 22.—This is consequential to clauses 6 and 7.

22. In clause (*b*) of sub-section (1) of section 26 of the said Regulation, for the words, letters, figures and brackets "clause (*a*) or (*b*) of proviso (i) to section 11," the words letters, figures and brackets "paras (i) and (ii) of clause (*c*) of the proviso to section 10" shall be substituted.

23. Between sections 27 and 28 of the said Regulation, the following new section shall be inserted, namely:—

[City Municipalities Regulation 17].

Clause 23.—This supplies an omission.

Casual vacancies occurring by increasing the number of members.

"27A. In the event of a vacancy occurring by increasing the number of members of a District Board under section 6, such vacancy shall be filled up, as soon as conveniently may be, by the election or appointment as the case may be, of a person thereto who shall hold office till the next general election or for such period as the Government may in this behalf notify in the official gazette."

Clause 24 (1)—This provides for undue delay in summoning special meetings.
City Municipalities Regulation 27 (2).]

24. (1) At the end of clause (a) of sub-section (2) of section 29 of the said Regulation, the following para shall be inserted, namely:—

"If the President fails to call a special general meeting as provided in this sub-section, the Vice-President or one-third of the whole number of members may call such meeting for a day not more than thirty days after the presentation of such request."

(2) At the end of clause (e) of the said sub-section, the following shall be inserted, namely:—

[Madras Local Boards Act 32 (2).]

"The presiding officer shall subject to the rules for the time being in force regulate the conduct of business and preserve order at the meeting.

Clause 24 (3)—The clause has been recast so that it may refer to all presiding officers.

(3) For clause (f) of the said sub-section, the following shall be substituted, namely:—

(f) All questions shall, unless otherwise specially provided, be decided by a majority of the votes of the members present and voting, the presiding authority having a second or casting vote in all cases of equality of votes."

Clause 24 (4)—The disqualification to vote on subjects in which a member has pecuniary interest is extended to members of committees also.

(4) In clause (g) of the said sub-section,

(i) the words "or of a committee thereof" shall be inserted after the words "district board"

(ii) the word "any" between the words "or" and "committee" shall be deleted.

(iii) the words "by himself or his partner" shall be inserted after the words "pecuniary interest."

Clause 25—Specific provision has been made as regards the right of members to have access to the records of the board.

[City Municipalities Regulation 29 (3).]

25. Sub-section (3) of section 30 of the said Regulation shall be numbered as sub-section (4), the following new sub-section being inserted between sub-sections (2) and (4), namely: —

"(3) Every member shall have access to the records of the district board or of any committee after giving due notice to the President, provided that the President may for reasons given in writing forbid such access."

Clause 26—A single section has been framed for the constitution of committees other than the standing committee and specific provision has been made for the regulation of certain matters relating to them.

[City Municipalities Regulation 31.]

26. For sections 32, 33 and 34 of the said Regulation, the following sections shall be substituted, namely:—

"32 (1) The District Board may constitute in addition to the standing committee any other committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual members or committees, to inquire into and report or advise on any matters which it may refer to them.

Other Committees.

[City Municipalities Regulation 32.]

(2) Notwithstanding anything contained in this Regulation, it shall be lawful for the district board from time to time, by a resolution supported by not less than one-half of the whole number of members of the board to appoint, as members of any committee under section 32, any persons who are not members of the board, but who may in the opinion of such district board possess special qualifications for serving on such committees, provided that the number of persons so appointed on any committee shall not exceed one-half of the total number of the members of such committee.

When persons other than members may serve on committees.

All the provisions of this Regulation relating to the duties, powers, liabilities, disqualifications and disabilities of members of district boards shall be applicable so far as may be to such persons.

Duties, etc., of such persons.

[City Municipalities Regulation 33.]

33. A vacancy occurring in a standing committee shall as soon as possible, and a vacancy occurring in any other committee, may be filled up by the election of a member thereto subject to the same provisions as those under which the member whose place is to be filled up was elected. A person elected under this section shall hold office so long as the person in whose place he is elected would have held it if the vacancy had not occurred. No person shall be ineligible at any time for election as a member of any such committee on the ground that he has previously been a member of that committee.

Casual vacancies Re-eligibility.

[City Municipalities Regulation 37.]

34. (1) Every committee shall conform to any instructions that may from time to time be given to it by the district board; the district board may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or

Subordination of committees to instructions of district board and compliance with requisitions of district board.

directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

Orders subject to revision and appeal.

"(2) Every order passed by a committee appointed under section 32 shall be subject to revision by, and open to appeal to the district board in accordance with rules that may be framed by the district board in this behalf."

27. Section 37 of the said Regulation shall be treated as sub-section (1) thereof, the proviso being deleted and the following shall be inserted as sub-section (2) thereof, namely:—

Clause 27—Provision has been made for making members and executive officers responsible for loss or waste of money or property belonging to the district board.

[City Municipalities Regulation 44.]

Liability of president, vice-president and members for loss, waste or misapplication.

"(2) Every member of a district board shall be liable for the misapplication of any money or other property owned by or vested in the district board, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice president, the chief officer or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under the Regulation, shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct."

28. (1) Section 42 of the said Regulation, shall be numbered as sub-section (1) thereof, the first seventeen words and the provisos thereof being deleted.

(2) The following shall be inserted as sub-section (2) of the said section, namely:—

"(2) Notwithstanding anything contained in sub-section (1)—

Clause 28—The power of the boards as regards disposal of property and contracts has been enhanced as in the case of municipalities.

[City Municipalities Regulation 41 and 42.]

(*a*) the previous sanction of the Government shall be obtained in the case of every free grant of immoveable property whatever may be its value and of every lease for a term exceeding seven years, and of every sale or other transfer of immoveable property exceeding two thousand rupees in value,

(*b*) before any contract for the supply of materials or goods for the execution of any work which will involve an expenditure exceeding five hundred rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the district board from persons willing to enter into such contract and when the estimated value exceeds fifteen thousand rupees, no such contract shall be entered into without the previous approval of the Government or of any officer duly authorised by the Government in this behalf,

(*c*) no loan shall be raised except as provided for in section 72,

(*d*) any person appointed by the Government to carry any work into execution on behalf of a district board may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and shall pay to the person so

appointed such sums as may be required for the said purpose, to the extent aforesaid."

29. In Section 45 of the said Regulation—

(1) For the words beginning with "Every district board" and ending with "subject to its authority" in sub-section (1), the following shall be substituted, namely :—

Clause 29.—The less important duties now classed as obligatory have been treated as discretionary duties and the latter have been amplified as in the Municipal Regulations.
(*Vide* clauses 58 to 60 of City Municipalities Regulation..)

"It shall be the duty of every district board to make, subject to such exceptions and conditions as may from time to time be made or imposed by the Government in this behalf, reasonable provision for the following matters within the area under its jurisdiction and when effective provision cannot otherwise be made, outside that area":—

(2) The word "schools" in clause (*c*) and the whole of clauses (*h*), (*j*), (*l*), (*m*) and (*n*) of sub-section (1) of the said section shall be deleted.

(3) The word "and" at the end of clause (*c*) of sub-section (2) of the said section shall be omitted and the following new clauses shall be inserted after clause (*d*) thereof :—

(*e*) promote development of economic condition with special reference to Agriculture and Industries and Commerce;

(*f*) encourage local arts and industries and grant loans for this purpose subject to the rules made by Government in this behalf;

(*g*) institute, hold and manage fairs, cattle and agricultural shows and industrial exhibitions;

(*h*) improve breed of cattle;

(*i*) pay travelling allowances to members of the district board or any committee thereof subject to the rules prescribed in this behalf;

(*j*) provide motor and other transport facilities for the carriage of the public or guarantee from the district fund such sums as the district board shall think fit as interest on capital expended by the Government or a company for this purpose and grant loans for providing capital for this purpose;

(*k*) organise and maintain in time of famine or scarcity relief and local relief works and shops or stalls for the sale of necessaries of life;

(*l*) provide accommodation for any class of servants employed by the district board and grant loans to such servants for construction of houses subject to the rules and conditions prescribed by the Government in this behalf;

(*m*) contribute towards any public fund raised for the relief of human suffering within or without the area under the authority of the district board;

(*n*) by a resolution passed at a general meeting and supported by one-half of the whole number of members of the board, arrange for any public reception, ceremony or entertainment; and

(*o*) undertake any other matter not herein before specifically named which is likely to promote the public health, safety or convenience or which is necessary for the carrying out of this Regulation expenditure whereon is resolved by the district board by the votes of not less than one-half of the whole number of members of the district board and

31. In sub-section (3) of Section 56 of the said Regulation, between the words "shall" and "be punished" the words "if not punishable under any other section of this Regulation," shall be inserted.

32. After section 56 of the said Regulation, the following new sections shall be inserted, namely :—

[Town Municipalities Regulation 152.]

Clause 32.—In the interests of sanitation and public health the insertion of a section empowering executive and other officers to prevent consumption of unwholesome articles of food or drink and inspect places in which dangerous diseases exist, is necessary.

Search for and inspection of unwholesome articles of food or drink.

56-A. The district health officer, the president, any member of a district board or any person authorised by the district board in this behalf, may at any reasonable time enter into and inspect any market, building, shop, stall or place used for the storage or sale in any public or private market and examine any article of food or drink or any drug or animal which may be therein, and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same.

(2) If the owner or person in whose possession such article, drug or animal is found consents thereto, such officer, president, member or the authorised person may destroy it, or dispose of it so as to prevent its being exposed for sale or used for human consumption.

(3) If such article or drug is of a perishable nature, it may be disposed of in the manner specified in sub-section (2) without the consent of the person in possession.

(4) In cases not falling under sub-sections (2) and (3), the article, drug or animal seized as aforesaid shall be removed forthwith and placed before a magistrate for orders under section (5).

Penalty for possession of articles or animal unfit for human consumption or adulterated drug.

(5) If any animal, article or drug is brought before a magistrate under sub-section (4), the magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with, as he may think fit and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to one hundred rupees.

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof, in ignorance of its nature, shall not be liable to fine under this section.

[Bombay Local Boards Act 60].

President, etc., to have power of entry for inspection into buildings etc., where infectious disease exists.

56-B. The district health officer, the President or any person authorised by the district health officer or the President in this behalf, may enter at any time, after reasonable notice, into any building or premises in which any dangerous disease is reported or suspected to exist, for the purpose of inspecting such building or premises.

(2) No such inspection shall be made except between sunrise and sunset.

Inspection to be made between sunrise and sunset.

(3) If the district health officer, President or such person is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice; provided that if the district health officer, President or such person considers that immediate action is necessary or that the owner or occupier is by reason of poverty or otherwise, unable effectually to comply with his requisition, he may himself cause such building or premises or articles to be cleansed or disinfected and for this purpose may cause such articles to be removed from such building or premises; and the expenses incurred shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectually to comply with his requisition.

Disinfection of buildings, etc.

[New. This has been inserted to define the relation of health officers to the officers and servants of the boards.]

56-C. All officers and servants of the district board shall promptly comply with all instructions issued by the district health officer in exercise of the powers conferred on him by sections 56-A and 56-B.

Clause 33.—The bye-laws should be made after previous publication and they should not be inconsistent with the rules made by the Government.

33. (1) In sub-section (1) of section 57 of the said Regulation after the words "any law in force" the words "or any rules made by the Government in this behalf" shall be inserted.

(2) After sub-section (2) of the said section, the following new section shall be inserted namely :—

(3) The power of the district board to make, cancel or alter bye-laws under sub-section (1) shall be subject to the condition of previous publication and all bye-laws made by a district board in accordance with this Regulation shall have effect as if enacted in this Regulation.

Clause 34.—This regularises the existing practice of district boards lodging their funds in the Mysore Bank.

34. "After the words" Government Treasury of the district in sub-section (3) of section 62 of the said Regulation, the words "or such other place of security as may be approved by the Government" shall be inserted.

35. For section 65 of the said Regulation, the following shall be substituted namely :—

[City Municipalities Regulation 55.]

"65. The district fund and all property held by or vested in the district board under this Regulation, shall be applied, subject to the provisions of this Regulation for the payment of :—

Application of district fund and property.

(*a*) the salaries, allowances, pension and gratuities of its officers and servants,

(*b*) any amounts falling due on any loans contracted by the board,

(*c*) expenses incurred—

(i) for holding elections to the district board under this Regulation,

(ii) for the purposes specified in section 45,

(iii) and all other purposes for which by or under this Regulation or the rules or bye-laws

Clause 35.—The existing restriction as regards expenditure outside the area under the authority of the board being incurred with the sanction of Government has been dispensed with and the section has been revised as in the Municipal Regulations.

thereunder or any other law for the time being in force, powers are conferred or duties imposed upon the district board, and

(*f*) with the previous sanction of the Government, any other purpose for which the application of such property or fund is in the public interest.

Provided that—

(1) any funds granted to the district board by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf.

[Madras Local Boards Act. schedule V, Rule I.]

(2) The Deputy Commissioner shall determine the amount of expenses to be incurred for holding elections referred to in clause (c) of sub-section (1) and his determination shall be final and binding on the district board.

Explanation.—The expenses incurred for holding elections include the cost of:—

(*a*) preparation and revision of the list of voters.

(*b*) conduct of elections,

(*c*) maintenance of election establishment including the pay, pension and leave allowances, if any, of the officers of the Government or of any other authority empowered in the preparation and revision of the election roll and in the conduct of the elections.

Clause 36(1).—The law as regards composition of toll is made identical with that in the Municipal Bills.
[City Municipalities Regulation 83 (4).]

36. (1) For sub-section (2) of section 66 the following shall be substituted namely,—

" (2) A district board may on the application of any person compound for a period not exceeding one year at a time with that person for a sum to be fixed in accordance with a scale approved by the district board and to be paid monthly, quarterly or half yearly in advance in lieu of all tolls payable on any cart, carriage, vehicle or animal belonging to such person in respect of all roads and bridges in the district vested in the district board or in respect of any particular road or bridge in the district and issue a pass for the free passage of the cart, carriage, vehicle or animal, provided that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay, if the cart, carriage, vehicle or animal had to pay toll once every day during the period for which the pass is issued.

Clause 36 (2).—Leaving a road within a quarter of a mile to evade payment of toll is made punishable as in section 109 of the Madras District Municipalities Act.

(2) In sub-section (7) of the same section for the words " Any person, who being liable to pay toll under this Regulation," the words "Any person who with intent to evade payment of toll on any cart, carriage vehicle or animal leaves a road on which a toll-gate station has been established and passes over any land within a quarter of a mile therefrom, such land not being either a public road or land of which such person is the owner or occupier, or" shall be substituted.

37. After section 70 of the said Regulation, the following new sections shall be inserted, namely :—

Clause 37.—Power is taken to Government to suspend or prohibit levy of objectionable cesses, etc., and to require district boards to impose cesses, etc., as in the Municipal Regulations.

[City Municipalities Regulation 85.]

"70-A. If it shall at any time appear to the Government, on complaint made or otherwise, that any toll, cess or fee leviable by a district board is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said district board, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said toll, cess or fee and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the official gazette, suspend the levy of such toll, cess or fee or of such part thereof, until such time as the objection thereto shall be removed.

Power of Government to suspend or prohibit levy of objectionable cesses, etc.

The Government may, at any time, by a like notification, rescind any such suspension.

[City Municipalities Regulation 86.]

70-B. Whenever it appears to the Government that the balance of the district fund of any district board is insufficient for meeting the expenditure incurred under section 95 or for the performance of any duties in respect of which it shall have been declared under section 96 to have committed default, the Government may by notification require the district board to impose any such toll, cess or fee, specified in the notification as may be imposed under sections 66, 69 and 70 if no such toll, cess or fee is at the time imposed therein or to enhance any existing toll, cess or fee in such manner or to such extent as the Government considers fit, and the district board shall forthwith proceed to impose or enhance in accordance with the requisition such toll, cess or fee under the provisions of this chapter, as if a resolution of the district board had been passed for the purpose ;

Power of Government to require district board to impose cesses etc.

Provided that—

(*a*) the Government shall take into consideration any objection which the District Board or any inhabitant of the district may make against the imposition or enhancement of such toll, cess or fee,

(*b*) it shall not be lawful for the district board to abandon or modify or to abolish such toll, cess or fee when imposed, and

(*c*) the Government may at any time cancel or modify, any requisition made by it under this sub-section, and the levy of the toll, cess or fee or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly."

Clause 38.—Power is taken to Government to prescribe a maximum period for which the right to collect tolls or fees may be leased.

[*cf.* City Municipalities Regulation Section 94.]

38. In the first sentence of section 71 of the said Regulation, after the words "to lease" the words "for such period at a time not exceeding the maximum prescribed by the Government as may from time to time be fixed by the board" shall be inserted.

39. After section 71 of the said Regulation the following new sections shall be inserted namely :—

[City Municipalities Bill 82(5)].

Clause 38.—Two new sections have been inserted (1) empowering the lessee to expel persons refusing to pay the prescribed fees and (2) making every tenant of land on which cesses are levied to pay proportionate cess on his land to the superior holders.

[*cf.* Bombay Local Boards Act 98 and Central Provinces Local Boards Act 49 (5).]

"71A. When any fee has been imposed under section 70 or as has been leased under section 71, any person employed by the district board or lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

Power to expel persons who refuse to pay fees.

71B. When a cess is imposed under the provisions of sections 68 and 69 every tenant of land in respect of which or in respect of the assessment on which the cess is imposed shall be liable in addition to his rent to pay to his superior holder from whom the cess is recoverable, a sum calculated on such rent at a rate equal to that at which the cess is imposed and such sum shall be recoverable as though it were part of his rent."

40. For Sections 76, 77, 78 and 79 of the said Regulation the following sections under a new Chapter shall be substituted, namely :—

'CHAPTER VI-A.'

District Fund Accounts and Administration Reports.

Clause 40.—A new chapter has been substituted for sections 76 to 79 after the model of chapter XI of the City Municipalities Regulation. The control over the budget has been relaxed and provision has been made for surcharge.

76. Except as hereinafter provided no payment of any sum shall be made out of the district fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely :—

Prohibition of expenditure not budgetted for.

(*a*) refunds of taxes and other moneys which the district board is authorised by the Regulation or the rules made thereunder to make ;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the district fund by mistake ;

(*c*) sums which the district board is required or empowered by this Regulation to pay by way of compensation ;

(*d*) every sum payable,

(i) under section 95 by order of the Deputy Commissioner and under sections 39, 96 and 98 by order of the Government,

(ii) under a decree or order of a civil court passed against the district board,

(iii) under a compromise of any suit or other legal proceedings or claim ;

(*e*) expenses incurred in the exercise of power conferred by bye-laws made under clause (*e*) of sub-section (1) of section 57.

(*f*) all contributions payable by the District Board to the Government for the maintenance of water-supply, dispensaries and other institutions

managed by the Government on behalf of the district board or on behalf of the district board and any other local authority or authorities.

Presentation of accounts.

77. (1) The Standing Committee shall have prepared and laid before the district board at its quarterly meetings complete accounts of the receipts and expenditure of the district board since the first day of July last preceding and at a meeting which shall be held between the first day of February and the first day of April a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtieth day of June next following together with a budget estimate of the income and expenditure of the district board for the official year to commence on the first day of July next following.

Budget Estimate.

(2) The district board shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of July next following. The budget as passed by the district board shall be sent to the Government through the Deputy Commissioner before such date as may be fixed by the Government, and the Deputy Commissioner shall submit the same to the Government with his remarks, if any, with the least practicable delay.

(3) In such budget estimate, the district board shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the district board by this Regulation or any other law ;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the district board may be liable in respect of loans contracted by it ;

(*c*) provide for the payment of all sums payable to the Government under section 39 and of all contributions for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the district board and any other local authority or authorities ;

(*d*) allow for a balance at the end of the said year of not less than such sum as may from time to time be fixed by the Government generally for all district boards or specially for any district board ;

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

Revision of Budget.

78. If in the course of the official year the District Board finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government—

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clause (*b*) and (*c*) of sub-section (3) of section 77, and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 77.

Maintenance of accounts and restrictions on expenditure.

79. (1) Accounts of the income and expenditure of the district fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the district fund shall, save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The District Board shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

79-A. (1) The district fund accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be appointed by the District Board.

(2) The auditor or auditors shall for the purposes of their office, have access to all the accounts and other records of the District Board.

(3) The District Board shall pay from the District Fund such charges for the audit as may be agreed upon and in the case of a Government auditor, such charges as may be prescribed by the Government.

Powers of Government auditor.

79-B. The Government auditor may—

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

79 C. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the standing committee a report upon the audit of the District Fund accounts.

(*b*) report to the standing committee and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the district board or in the district fund accounts; and

(*c*) report to the standing committee and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the

district board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste;

Standing Committee to remedy defects.

(2) The standing committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Disallowance by Government auditor and order by Deputy Commissioner.

79-D. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

(2) The Deputy Commissioner may on the report of the auditor or on his own motion pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the neligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

79-E. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application the person so aggrieved may, within the like period, appeal to the Government who shall pass such orders as it thinks fit.

Recovery of amounts disallowed.

79-F. Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the District Board within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due shall be recoverable by the Deputy Commissioner as an arrear of land revenue along with the necessary expenses of such recovery and credited to the district fund.

Transmission of accounts to Government.

79-G. The District Board shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct.

79-H. (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the District Board shall submit to the Deputy Commissioner, a report on the administration during the preceding official year in such form and with such details as the Government may direct.

Annual Administration Report.

(2) The President shall prepare the report and place it before the district board for consideration and forward it to the Government through the Deputy Commissioner with the resolution of the district board thereon.

(3) The report may be published in such manner as the district board subject to the approval of the Government may direct."

41. For sections 88, 89 and 90 of the said Regulation, the following sections shall be substituted, namely :—

Clause 40.—Existing sections 88, 89 and 90 have been modified, and provision has been made for preventing extravagant expenditure on establishments and defining the duties and powers of the Chief Officer as in the City Municipalities Regulation. The appointment of Chief Officer is made obligatory when the Government so directs.

(1) Subject to the rules prescribed in this behalf and subject to the provisions of sub-section (2), every district board shall employ such officers and servants as are necessary for the efficient carrying out of the purposes of this Regulation and determine the respective designations, duties, salaries and allowances of such officers and servants, the powers and duties to be delegated to them under section 20 and fix the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security.

Officers.

89. The recruitment, leave, punishment, transfer, pensions, gratuities, leave, absentee and travelling allowances and all other matters relating to the officers and servants of district boards shall be regulated by the rules prescribed or the special or general orders of the Government in this behalf.

Service Regulations.

(2) If in the opinion of the Government the number of persons who are employed by a district board as officers or servants or whom a district board proposes to employ, or the remuneration assigned by the district board to those persons, or to any particular person, is excessive, the district board shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

Power of Government to prevent extravagance in the employment of establishment.

90. (1) Any district board may and when required by the Government by an order in this behalf shall, within such time as may fixed therein, appoint a Chief Officer for the district.

Appointment of Chief Officer.

(2) The appointment of a person as Chief Officer shall be subject to the approval of the Government.

(3) No such officer shall, save with previous approval of the Government, be removable from office, reduced, or suspended.

(4) It shall be in the discretion of the Government to make an order vetoing the continuance in

the office of Chief Officer of any person appointed thereto and the tenure of such office by such person, shall cease and determine on and from the date on which such order is communicated to the President of the district board.

(5) When a chief officer shall have been appointed, all other officers and servants employed by the district board, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

Appointment of health officer and engineer.

90-A. (1) Any district board may, with the sanction of the Government, appoint a health officer and an engineer or any one or more of such officers, whether temporarily or permanently.

(2) No such officer shall, save with the previous sanction of the Government be removable from office, reduced or suspended.

Duties of chief officer.

90-B. The chief officer shall—

(*a*) subject to the general control of the President, perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under, this Regulation;

(*b*) subject to the orders of the President, or of the standing committee or of the district board as the case may be, take prompt steps to remove any irregularity pointed out by the auditors;

(*c*) report to the President, the standing committee and the district board all cases of fraud, embezzlement, theft or loss of district board money or property;

(*d*) supply any return, statement, account or report or a copy of any document in his charge called for by the district board or the standing committee and shall comply with any orders passed by the district board or the standing committee thereon; and

(*e*) subject to the rules prescribed in this behalf and subject to the control of the President, perform and exercise the duties and powers of the president specified in clauses (*b*), (*d*), (*e*) of sub-section (1) section 19 and in clause (*c*) of the same sub-section in regard to the officers and servants of the district board.

Powers of chief officer.

90-C. The chief officer shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the district board under the provisions of this Regulation :—

(*a*) he shall have power, subject to the provisions of this Regulation and of the bye-laws for the time being in force thereunder, to grant, give and issue under his signature all licenses and permissions which may be granted or given by a district board under this Regulation, other than licenses for markets;

(*b*) he may, subject to the provisions aforesaid, at his discretion, suspend, withhold or withdraw any license in any case in which he is empowered as aforesaid to grant or give a license, and in which the district board may under the

provisions aforesaid suspend, withhold or withdraw such license;

(*c*) he shall receive and recover and credit to the district fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid;

(*d*) he may subject to the control of the President and to the provisions of section 42:—

(i) enter on behalf of the district board into contracts which do not involve an expenditure of over two hundred rupees; and

(ii) invite, on behalf of the district board and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the district board;

90-D. It shall be lawful for the Government:—

(1) to require that any person appointed to be a chief officer shall be invested by any such district board with all or any of the powers which can under this Regulation or under any rules in force at the time be lawfully delegated to him;

(2) any requisition issued to the district board under sub-section (1) shall be complied with within such time as the Government may in each case fix in that behalf.

Chief Officer's powers of appointment and punishment.

90-E. The chief officer shall, subject to the control of the President and independently of such powers as may be delegated to him by the district board in this behalf, have power—

(*a*) to appoint to any post in the inferior service, and to fine, reduce, suspend or dismiss any person holding such post;

(*b*) subject to the provisions of the rules for the time being in force, to fine, reduce or suspend any other officer or servant, of the board:

Provided that his order in respect of any punishment shall be subject to an appeal to the standing committee.

Chief Officer may make explanations at meetings.

90-F. The chief officer may, with the permission of the President, or in virtue of a resolution passed in this behalf at any meeting of the district board or of any committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting.

42. In section 92 of the said Regulation,

(*a*) before the words "subject to such rules, the words "The Government and" shall be inserted;

(*b*) the portion of clause (*b*) occurring after the words "aggrieved party" shall be deleted.

43. After sub-section (2) of section 93 of the said Regulation the following shall be inserted as sub-section (3): namely,

"(3) All or any of the powers given to the Deputy Commissioner under sub-sections (1) and (2) may be conferred by the Government on any officer subordinate to it."

44. In sub-section (1) of section 94 of the said Regulation, after the words "breach of peace" the words "or is unlawful" shall be inserted.

Clause 42.—Power is taken to Government to inspect district board offices and the redundant portion in clause (*b*) of section 92 has been omitted.

Clause 43.—In order to enable officers of Government like the Director of Health, Sanitary Engineer, etc., to advise district boards as to matters within their expert knowledge, power has been taken to Government to confer on specified officers the powers of entry, inspection, etc, vested in the Deputy Commissioner.

Clause 44.—*Vide* clause 218 of the City Municipalities Regulation.

Clause 45.—*Vide* Clauses 219 and 220 of the City Municipalities Regulation.

45 (1) After the word "balance" at the end of sub-section (2) of section 95 of the said Regulation, the words "and such person shall be bound to comply with such order" shall be inserted.

(2) For sub-section (3) of the said section, the following shall be substituted, namely:—

"The provisions of sub-section (2) of section 94 shall apply, so far as may be, to any order made under this section"

Clause 46.—*Vide* Clause 224 of the City Municipalities Regulation.

46. In sub-section (1) of section 96 of the said Regulation, after the words "by or under this Regulation," the words "or by or under any enactment for the time being in force," shall be inserted and after the word "balance" at the end of sub-section (3) of the said section, the words "and such person shall be bound to comply with such order" shall be inserted.

47. After section 96 of the said Regulation, the following new section shall be inserted, namely:—

Clause 47.--Provision has been made for the prompt recovery of dues by District Boards to Government.

[City Municipalities Regulation 225.]

"96-A. If a district board makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the district fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the district board admit, be bound to comply with such order."

48. For section 97 of the said Regulation, the following section shall be substituted namely:—

Clause 48.—Provision has been made for dissolution of District Boards.

[City Municipalities Regulation 226.]

"97 (1) If after such enquiry as the Government may consider necessary, the Government is of opinion that any district board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the official gazette, declare the district board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such district board or supersede it for a period to be specified in the order."

Power of Government to dissolve or supersede district board in case of incompetency, default, or abuse of powers

(2) When the district board is so superseded, the following consequences shall ensue:—

Consequences of exercise of such power.

(*a*) all members of the district board shall in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession vacate their offices as such members;

(*b*) all powers and duties of the district board shall, during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf;

(*c*) all property vested in the district board shall, during the period between dissolution and reconstitution or of supersession, vest in the Government subject to all rights over and all debts, liabilities and obligations, if any affecting that property.

(3) After the issue of an order under sub-section (1), the district board shall by the election or appointment be reconstituted—

(*i*) in the case of dissolution on the date specified in the order, or

(*ii*) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be, and the persons who vacated their seats under clause (a) of sub-section (2) shall not be deemed disqualified for election or appointment.

Power after enquiry to continue period of supersession.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the district board.

Clause 49.—Civil Courts are debarred from entertaining suits in respect of disputes among local bodies.

[City Municipalities Regulation 227 (2).]

49. Section 98 of the said Regulation shall be treated as sub-section (1) thereof and the following shall be inserted as sub-section (2) namely: —

"(2) No suit shall be entertained by a Civil Court in respect of any dispute referred to in sub-section (1)."

Clause 50 (1).—Specific provision has been made for requiring candidates to make deposits and forfeiting the same to the district board.

[*C.F.* City Municipalities Regulation 228 (2) (*b*) (vi).]

50. (1) For clause (b) of sub-section (2) of section 100 of the said Regulation, the following shall be substituted, namely:—

"(*b*) for the election or appointment of members, for regulating generally the election of members and other matters incidental or ancillary thereto including the manner of voting by voters, the number of votes which a voter may give and the deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited, and with reference to all matters relating to the election of Presidents and Vice-Presidents and the constitution of District Boards."

Clause 50 (2).—*Vide* clause 25.

(2) After the word "Committees" in clause (*c*) of the said sub-section the words "and to the interpellation of the President by the members and to the moving of resolutions at meetings of District Boards" shall be inserted.

[City Municipalities Regulation 228 (2) (*g*).]

(3) For clause (*n*) of the said sub-section the following clause shall be substituted, namely:—

(*n*) as to the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom."

Clause 49 (4).—Power has been taken to Government to prescribe penalty for breach of rules.

[City Municipalities Regulation 228 (2) (*m*).]

(4) clause (*r*) of the said sub-section shall be renumbered as clause (*s*), the following new clause being inserted after clause (*q*), namely:—

"(*r*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate."

51. After section 100 of the said Regulation, the following new sections shall be inserted namely:—

[City Municipalities Regulation 129.]

Clause 51.—Power has been taken by Government to repeal or modify bye-laws and delegate the powers of Government to subordinate officers.

"10-A (1) The Government may at any time by notification in the official gazette repeal wholly or in part or modify any rule or bye-law made by any district board.

Power of Government to cancel or modify bye-laws and rules of District Board.

Provided that before taking any action under this sub-section the Government shall communicate to the district board the grounds on which it proposes to do so, fix a reasonable period for the district board to show cause against the proposal and consider the explanation and objections, if any, of the District Board.

(2) The repeal or modification of any rule or bye-law shall take effect from the date of publication of the notification in the official gazette, if no date is therein specified and shall not affect anything done, omitted or suffered before such date.

[Town Municipalities Regulation 206.]

100-B. The Government may delegate all or any of its powers under this Regulation to any officer subordinate to it."

Delegation of powers by Government.

52. For section 105 of the said Regulation, the following section shall be substituted, namely :—

[City Municipalities Regulation 48.]

Clause 52.—Lessees of district board revenue and auditors have been included under public servants.

105. (1) Every member of a district board, every official and servant maintained or employed under a district board, every auditor appointed under section 79-A and every lessee of the levy of any toll, tax or other revenue creditable to the district fund and every servant or other person employed by any such lessees shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Members etc., to be deemed public servants.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section be deemed to include a District Board.

Clause 53.—*Vide* clause 201 of the City Municipalities Regulation.

53. Section 106 of the said Regulation shall be treated as sub-section (1) thereof and the following shall be inserted as sub-section (2) thereof, namely :—

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act 1877.

Clause 54.—Defects in the existing clause have been supplied *vide* section 122 of the same Regulation.

54. After sub-section (2) of section 108 of the said Regulation, the following sub-sections shall be inserted, namely :—

(3) Nothing contained in this section shall prevent the district board from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, and in such manner, as not to inconvenience the public or any individual.

(4) Nothing contained in this section shall apply to any projection duly authorised by the District Board or in any case where permission has been given under sub-section (3) of this section."

Clause 55.—*Vide* clause 54. The control over slaughter houses should be subject to the provisions of the Village Panchayet Regulation.

55. In clause (*a*) of schedule II of the said Regulation between the words "As" and "a" the words "a slaughter house or as a" shall be inserted.

W D 88—GPB—50—17-11-33.

Amended copy

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NOTIFICATION.

No. 4101—L. C., Bangalore, dated 6th June 1935.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore District Boards' Regulation, 1926 is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Bill further to amend the Mysore District Boards' Regulation, 1926.

Whereas it is expedient further to amend the Mysore District Boards' Regulation, 1926; It is hereby enacted as follows:—

Amendment of section 3.

1. In section 3 of the Mysore District Boards' Regulation, 1926, (hereinafter referred to as the said Regulation) the following definitions shall be added, namely:—

(5) "dangerous disease" means cholera, plague, small-pox and any endemic or epidemic or infectious disease by which the life of man is endangered.

(6) "market" means a place where goods or animals are publicly exposed or brought for sale periodically.

(7) "public ferry" means a ferry used for the conveyance for hire of any passenger, animal, cart, carriage or other vehicle or goods.

(8) "private market" means a market other than a public market.

(9) "public market" means a market which a District Board opens under section 54 or a market the control over which is or may be vested in a Village Panchayet by the Government.

Amendment of section 8.

2. In sub-section (2) of section 8 of the said Regulation, for the words "whenever a date has been fixed for any election of persons to fill the places of persons whose term of office has expired" the words "for every election of members in place of those whose term of office expires under section 24" shall be substituted.

Amendment of section 9.

3. In section 9 of the said Regulation, for the words "and who is not subject to any disqualification specified in section 10 or any other provision of this Regulation or the rules thereunder" the words "and who is not of unsound mind" shall be substituted.

Amendment of section 10.

4. In section 10 of the said Regulation, for the word "vote" occurring in the first line, the words "be a member" shall be substituted.

Amendment of section 11.

5. In section 11 of the said Regulation;—

(i) the following words shall be inserted after the the words "or on behalf of the District Board and before the words "may be a candidate

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"and any person who is not employed as paid legal practitioner on behalf of a District Board or does not accept employment as legal practitioner against a District Board"

(ii) proviso (*d*) shall be omitted.

Amendment of section 14.

6. At the end of sub-section (5) of section 14 of the said Regulation, the following explanation shall be inserted :—

"*Explanation.*—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or the rules made thereunder whereby the result of election has been materially affected."

Substitution of a new section for section 23.

7. The following shall be substituted for section 23 :—

"(1)—The term of office of every President or Vice-President shall commence from the date of notification of his election or appointment and shall, save as otherwise provided for in this Regulation cease whenever he ceases to be a member of the District Board over which he presides ;

Provided that he shall, after an opportunity is afforded for hearing him, be removable from office as such President or Vice-President by the Government for misconduct or neglect of or incapacity to perform his duty or if he is unable to pay his debts or in the case of any elected or nominated President or Vice-President for not commanding the confidence of the Board to be evidenced by a resolution of the District Board in favour of which not less than two-thirds of the whole number of members of such Board have given their votes at a meeting specially convened for the purpose.

Explanation.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any Court for the payment of money.

(2) In the event of any vacancy occurring in the office of a President or Vice-President, by death, resignation, removal or otherwise, the vacancy shall be filled up as soon as conveniently may be, by the election or appointment of some other member of the Board thereto.

Substitution of a new section for section 25.

8. For section 25 of the said Regulation the following shall be substituted, namely :—

"25. A member of a District Board other than the President may resign his membership and a Vice-President may resign his office as Vice-President by giving notice in writing to that effect to the President and such resignation shall take effect from the date of the notice. The President may resign his membership or his office as President by giving a notice in writing to that effect to the Government and if such resignation is accepted, it shall take effect from the date on which the intimation of such acceptance reaches the office of the President."

Amendment of section 26.

9. In clause (*a*) of sub-section (1) of section 26 of the said Regulation, for the words "disqualified" the words "subject to any disqualification specified in" shall be substituted and in clause (*c*) of the same sub-section the words "without the leave of the Board" shall be omitted.

Addition of a new section as 27-A. Casual vacancies occurring by increasing the number of members.

10. Between sections 27 and 28 of the said Regulation, the following new section shall be inserted, namely

"27-A. In the event of a vacancy occurring by increasing the number of members of a District Board under section 6, such vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto who shall hold office till the next general election or for such period as the Government may in this behalf notify in the official Gazette."

Amendment of section 30.

11. Sub-section (3) of section 30 of the said Regulation shall be numbered as sub-section (4), the following new sub-section being inserted between sub-sections (2) and (4), namely :—

"(3) Every member shall have access to the records of the District Board or of any Committee after giving due notice to the President, provided that the President may for reasons given in writing forbid such access."

Amendment of section 31.

12. In sub-section (2) of section 31 of the said Regulation the figure "100" shall be substituted for the figure "99."

Amendment of section 37.

13. In the proviso to section 37 of the said Regulation, the words "loss or waste" shall be inserted after the word "misapplication" wherever it occurs.

14. In section 45 of the said Regulation

(1) For the words beginning with "Every District Board" and ending with "subject to its authority" in

sub-section (1), the following shall be substituted, namely :—

" It shall be the duty of every District Board to make, subject to such exceptions and conditions as may from time to time be made or imposed by the Government in this behalf, reasonable provision for the following matters within the area under its jurisdiction and when effective provision cannot otherwise be made, outside that area " Amendment of section 45.

(2) The word " schools " in clause (*c*) and the whole of clauses (*h*), (*j*), (*l*) (*m*) and (*n*) of sub-section (1) of the said section shall be deleted.

(3) The word " and " at the end of clause (*c*) of sub-section (2) of the said section shall be omitted and the following new clauses shall be inserted after clause (*d*) thereof :—

(*e*) promote development of economic condition with special reference to Agriculture and Industries and Commerce ;

(*f*) encourage local arts and industries and grant loans for this purpose subject to the rules made by the Government in this behalf ;

(*g*) institute, hold and manage fairs, cattle and agricultural shows and industrial exhibitions ;

(*h*) improve breed of cattle ;

(*i*) pay travelling allowances to members of the District Board or any committee thereof subject to the rules prescribed in this behalf ;

(*j*) provide motor and other transport facilities for the carriage of the public or guarantee from the district fund such sums as the District Board shall think fit as interest on capital expended by the Government or a company for this purpose and grant loans for providing capital for this purpose ;

(*k*) organise and maintain in time of famine or scarcity relief and local relief works and shops or stalls for the sale of necessaries of life ;

(*l*) provide accommodation for any class of servants employed by the District Board and grant loans to such servants for construction of houses subject to the rules and conditions prescribed by the Government in this behalf ;

(*m*) contribute towards any public fund raised for the relief of human suffering within or without the area under the authority of the District Board ;

(*n*) by a resolution passed at a ~~general~~ meeting and supported by one-half of the whole number of members of the Board, arrange for any public reception, ceremony or entertainment; and

and with the previous sanction of the Govt

(*o*) undertake any other matter not hereinbefore specifically named which is likely to promote the public health, safety or convenience or which is necessary for the carrying out of this Regulation expenditure whereon is resolved by the District Board by the votes of not less than one-half of the whole number of members of the District Board and with the approval of the Government to be an appropriate charge on the district fund.

Amendment of section 54.

15 ~~13~~. For section 54 of the said Regulation, the following sections shall be substituted, namely:—

Public ferries

"54 (1) No public ferry shall after the commencement of this Regulation be newly established or closed without the sanction of the Government and no person shall keep open a public ferry which has been entrusted to the charge of the District Board without a license from the District Board;

(2) Whoever contravenes the provisions of this section shall, on conviction by a Magistrate, be punished with fine which may extend to five hundred rupees;

(3) Nothing in sub-sections (1) and (2) shall be deemed to apply to any person specially hiring a boat for the conveyance of himself or his family or friends or servants or goods or to the person letting such boat for hire for the said purpose."

"54-A (1) No market, either private or public, and no jatras, fairs, agricultural and cattle shows and exhibitions except those which are managed by muzrai and other officers authorised by the Government in this behalf shall be newly established in any area under the authority of a District Board or a Village Panchayet without the previous sanction of the Government, which in the case of the latter will be accorded after previous consultation with the District Board concerned

(2) The grant of permission under the last preceding sub-section shall be subject to such conditions, and restrictions as the Government may lay down generally ~~in respect of all markets or specially in the case of any market or class of markets~~;

(3) ~~No person shall keep open in any area under the authority of a District Board any private market which was lawfully established prior to the commencement of this Regulation or with the sanction of the Government~~

in respect of all such institutions as are referred to in Sub-Section (1) or specially in the case of any particular institution or class of institutions

(3) No person shall open a new Private market or continue to keep open a ~~need~~ Private market unless he obtains from the District Board a license to do so

under sub-section (1), after the commencement of this Regulation without a license from the District Board which shall be granted subject to the conditions prescribed in the bye-laws made by the District Board and to the rules prescribed by the Government in this behalf.

(4) No person shall sell or expose for sale any article or animal in any unlicensed private market ;

(5) Whoever contravenes the provisions of this section shall on conviction by a Magistrate be punished with fine which may extend to five hundred rupees.

(6) If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing or live-stock or poultry or cotton, ground-nut or other industrial crops or any other raw or manufactured products, is a market or not, the local authority concerned shall make a reference to the Government and the decision of the Government on the question shall be final."

Amendment of section 56.

16. In sub-section (3) of section 56 of the said Regulation, between the words " shall " and " be punished" the words " if not punishable under any other section of this Regulation," shall be inserted.

Substitution of a new section for section 65.

17. For section 65 of the said Regulation, the following shall be substituted, namely,—

Application of district fund and property.

"65. The district fund and all property held by or vested in the District Board under this Regulation, shall be applied, subject to the provisions of this Regulation for the payment of :—

(*a*) the salaries, allowances, pension and gratuities of its officers and servants,

(*b*) any amounts falling due on any loans contracted by the board,

(*c*) expenses incurred—

(i) for holding elections to the District Board under this Regulation,

(ii) for the purposes specified in section 45, and

(iii) all other purposes for which by or under this Regulation or the rules or bye-laws thereunder or any other law for the time being in force, powers are conferred or duties imposed upon the District Board, and

(*d*) with the previous sanction of the Government, any other purpose for which the application of such property or fund is in the public interest.

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Provided that—

(1) any funds granted to the District Board by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf.

(2) The Deputy Commissioner shall determine the amount of expenses to be incurred for holding elections referred to in clause (*c*) of sub-section (1) and his determination shall be final and binding on the District Board

Explanation.—The expenses incurred for holding elections include the cost of—

(*a*) preparation and revision of the list of voters,

(*b*) conduct of elections,

(*c*) maintenance of election establishment including the pay, pension and leave allowances, if any, of the officers of the Government or of any other authority empowered in the preparation and revision of the election roll and in the conduct of the elections.

Substitution of a new sub-section for sub-section (4) of section 68.

18. The following shall be substituted for sub-section (4) of section 68 of the said Regulation :-

(4) The whole or any portion of the cess or the interest or other income derived from investment thereof in a bank or in securities or on construction of a railway or tramway may, with the previous approval of the Government and subject to such orders as may be made by it, be utilised for the construction of new roads and bridges or for improvement works to existing roads and bridges in the district, provided it is not required immediately or in the near future for,—

(*i*) expenditure on the purposes specified in clauses (*b*) and (*c*) of sub-section (3), or

(*ii*) expenditure on the construction of any railway or tramway, the earnings from which have, as a result of an investigation of the traffic prospects of the said railway or tramway been ascertained as sufficient to meet the working expenses of the said railway including provision for depreciation and renewals and to yield in addition on the capital invested, an interest of not less than 3 per cent annually

Explanation.—The expression 'improvement works to roads' in this sub-section includes the widening of roads, the levelling of roads, the provision of improved surfacing to roads by treatment with cement, tar, bitumen and such other materials, and the doing of any other works in respect of roads beyond ordinary repairs essential to placing them in a proper state of repair.

Addition of new sections 71-A and 71-B

19. After section 71 of the said Regulation, the following new sections shall be inserted, namely:—

Power to expel persons who refuse to pay fees.

"71-A. When any fee has been imposed under section 70 or has been leased under section 71, any person employed by the District Board or lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

"71-B. When a cess is imposed under the provisions of sections 68 and 69, every tenant of land in respect of which or in respect of the assessment on which the cess is imposed shall be liable in addition to his rent to pay to his superior holder from whom the cess is recoverable, a sum calculated ~~on such rent at a rate equal to that at which the cess is imposed~~ and such sum shall be recoverable as though it were part of his rent."

Substitution of new sections for sections 76 to 79 under a new chapter.

20. For sections 76, 77, 78 and 79 of the said Regulation, the following sections under a new chapter shall be substituted, namely:—

'CHAPTER VI-A.'

District Fund Accounts and Administration Reports.

Prohibition of expenditure not budgetted for.

76. Except as hereinafter provided no payment of any sum shall be made out of the district fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely:—

(*a*) refunds of taxes and other moneys which the District Board is authorised by the Regulation or the rules made thereunder to make;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the district fund by mistake;

(*c*) sums which the District Board is required or empowered by this Regulation to pay by way of compensation;

(*d*) every sum payable,

(i) under section 95 by order of the Deputy Commissioner and under sections 39, 96 and 98 by order of the Government,

(ii) under a decree or order of a civil court passed against the District Board,

(iii) under a compromise of any suit or other legal proceedings or claim;

(*e*) expenses incurred in the exercise of power conferred by bye-laws made under clause (*e*) of sub-section (1) of section 57;

(*f*) all contributions payable by the District Board to the Government for the maintenance of water-supply, dispensaries and other institutions managed by the Government on behalf of the District Board or on behalf of the District Board and any other local authority or authorities.

Presentation of accounts.

77. (1) The Standing Committee shall have prepared and laid before the District Board at its quarterly meetings complete accounts of the receipts and expenditure of the District Board since the first day of July last preceding and at a meeting which shall be held between the first day of February and the first day of April a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtieth day of June next following together with a budget estimate of the income and expenditure of the District Board for the official year to commence on the first day of July next following.

Budget estimate.

(2) The District Board shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of July next following. The budget as passed by the District Board shall be sent to the Government through the Deputy Commissioner before such date as may be fixed by the Government, and the Deputy Commissioner shall submit the same to the Government with his remarks, if any, with the least practicable delay.

(3) In such budget estimate, the District Board shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the District Board by this Regulation or any other law ;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the District Board may be liable in respect of loans contracted by it ;

(*c*) provide for the payment of all sums payable to the Government under section 39 and of all contributions for the maintenance of water supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the District Board and any other local authority or authorities ;

(*d*) allow for a balance at the end of the said year of not less than such sum as may, from time to time, be fixed by the Government generally for all District Boards or specially for any District Board ;

(4) If the budget as submitted fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

Revision of budget.

78. If in the course of the official year the District Board finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government—

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 77, and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 77.

Maintenance of accounts and restrictions on expenditure.

79. (1) Accounts of the income and expenditure of the district fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the district fund shall, save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The District Board shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

79-A. (1) The district fund accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be appointed by the District Board.

(2) The auditor or auditors shall for the purposes of their office, have access to all the accounts and other records of the District Board.

(3) The District Board shall pay from the district fund such charges for the audit as may be agreed upon and in the case of a Government auditor, such charges as may be prescribed by the Government.

Powers of Government auditor.

79-B. The Government auditor may—

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

79-C. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the Standing Committee a report upon the audit of the district fund accounts,.

(*b*) report to the Standing Committee and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the District Board or in the district fund accounts; and

(*c*) report to the Standing Committee and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the District Board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste;

Standing Committee to remedy defects.

(2) The Standing Committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Disallowance by Government auditor and order by Deputy Commissioner.

79-D (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the

person making, or authorising the making of, the illegal payment.

(2) The Deputy Commissioner may on the report of the auditor or on his own motion pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

79-E. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application the person so aggrieved may, within the like period, appeal to the Government who shall pass such orders as it thinks fit.

Recovery of amounts disallowed.

79-F. Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the District Board within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due shall be recoverable by the Deputy Commissioner as an arrear of land revenue along with the necessary expenses of such recovery credited to the district fund.

Transmission of accounts to Government.

79-G. The District Board shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct.

President

Annual Administration Report.

79.H. (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the ~~District Board~~ shall submit to the Deputy Commissioner, a report on the administration during the preceding official year in such form and with such details as the Government may direct.

Government through of the Board

(2) The President shall prepare the report and place it before the District Board for consideration and forward it to the Government through the Deputy Commissioner with the resolution of the District Board thereon.

to the resolution of the District Board thereon

(3) The report may be published in such manner as the District Board, subject to the approval of the Government, may direct."

Amendment of section 94.

21. In sub-section (1) of section 94 of the said Regulation, after the words "breach of peace" the words "or is unlawful" shall be inserted.

Amendment of section 95.

22. (1) After the word "balance" at the end of sub-section (2) of section 95 of the said Regulation, the words "and such person shall be bound to comply with such order" shall be inserted.

(2) For sub-section (3) of the said section, the following shall be substituted, namely:—

"The provisions of sub-section (2) of section 94 shall apply, so far as may be, to any order made under this section."

Amendment of section 96.

23. In sub-section (1) of section 96 of the said Regulation, after the words "by or under this Regulation," the words "or by or under any enactment for the time being in force," shall be inserted and after the word "balance" at the end of sub-section (3) of the said section, the words "and such person shall be bound to comply with such order" shall be inserted.

Amendment of section 98.

24. Section 98 of the said Regulation shall be treated as sub-section (1) thereof and the following shall be inserted as sub-section (2) namely:—

"(2) No suit shall be entertained by a Civil Court in respect of any dispute referred to in sub-section (1)."

Amendment of section 100.

25. (1) In sub-section (2) of section 100 of the said Regulation, after the word "Committees" in clause (*c*) the words "and to the interpellation of the President by the members and to the moving of resolutions at meetings of District Boards" shall be inserted.

In subsection (1) as renumbered, the words 'Village Panchayets' shall be inserted after the words 'municipal Councils'

(2) For clause (*n*) of the said sub-section, the following clause shall be substituted, namely :—

" (*n*) as to the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom."

(3) Clause (*r*) of the said sub-section shall be renumbered as clause (*s*), the following new clause being inserted after clause (*q*), namely :—

" (*r*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date, as may be fixed by the Magistrate."

Addition of a new section as 100 A.

26. After section 100 of the said Regulation, the following new section shall be inserted, namely,

Delegation of powers by Government.

"100A. The Government may delegate all or any of its powers under this Regulation to any officer subordinate to it."

Amendment of section 106

27. Section 106 of the said Regulation shall be treated as sub-section (1) thereof and the following shall be inserted as sub-section (2) thereof, namely :—

" (2) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877 as in force in Mysore.

Amendment of section 108.

28. After sub-section (2) of section 108 of the said Regulation, the following sub-sections shall be inserted, namely :

(3) Nothing contained in this section shall prevent the District Board allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, and in such manner, as not to inconvenience the public or any individual.

(4) Nothing contained in this section shall apply to any projection duly authorised by the District Board or in any case where permission has been given under sub-section (3) of this section."

Amendment of schedule II.

29. In clause (*a*) of schedule II of the said Regulation, between the words "As" and "a", the words "a slaughter-house or as " shall be inserted.

Statement of Objects and Reasons.

The District Boards Regulation now in force was promulgated in the year 1926 and though the amending Regulations II of 1929, VIII of 1930 and II of 1932 introduce some important changes, it is felt that the Regulation requires further amendment in the light of the experience gained. Many useful provisions have been introduced in the Madras Local Boards Act, and the Mysore Municipal Regulation, 1906 has been replaced by three separate Regulations for the City, Town and Minor Municipalities in the State, incorporating important provisions calculated to improve their administration. It is considered necessary to amend the District Boards Regulation in certain important respects. The present Bill is prepared accordingly.

The most important changes are in respect of (1) the utilisation of the Railway Cess as well as the interest thereon for the construction of new roads and bridges or for improvement works to existing roads and bridges, as indicated in the Government Order on the report of the Motor Transport Committee; and (2) sections 76 to 79 of the Regulation, regarding District Board finance including provision for surcharge. The other changes proposed are minor ones, most of which are intended to supply omissions or rectify the existing defects.

Notes on Clauses.

Clause 1.—It is necessary to define the expressions referred to in this clause to avoid ambiguity and repetition.

Clause 2.—This legalises the existing practice of preparing the list of voters when the term of the existing Boards is about to expire.

Clause 3.—Section 9 of the Regulation says that the disqualifications mentioned in section 10 apply to voters. It is not necessary to prescribe any general disqualifications for voters. The section is amended accordingly.

Clause 4.—Section 10 of the Regulation prescribes the general disqualifications of voters, while it is referred to in section 26 as prescribing the disqualifications of members. Section 10 is therefore amended so as to be in accordance with section 26.

Clause 5.—This clause prescribes among the qualifications for membership that a person should not be employed as a legal practitioner on behalf of or against a District Board.

Clause 6.—This supplies an omission.

Clause 7.—This clause makes it clear when the term of office of a President or Vice-President commences and also provides for their removal for inability to pay their debts.

Clause 8.—This supplies an omission in existing section 25 as regards the date from which the resignation of the President or Vice-President or a member of the District Board takes effect.

Clause 9.—The amendments proposed are merely verbal and are intended to make the meaning clear.

Clause 10.—This supplies an omission.

Clause 11.—This makes specific provision as regards the right of members to have access to the records of the District Board.

~~*Clause 12.*—This rectifies a typographical error in the existing section.~~

Clause ~~13.~~ 12.—This extends the liability of the members of the District Boards under the section to cases of loss or waste of the funds or property of the Board.

Clause 14.—In this clause the less important duties of District Boards now classed as obligatory are treated as discretionary duties and the latter have been amplified as in sections 58 to 60 of the City Municipalities Regulation. The duties are mentioned exhaustively with a view to remove the difficulties now felt in the interpretation of the present section.

Clause 15.—Existing section 54 has been found to be defective in many particulars ~~giving room for considerable doubts. The control over~~ slaughter-houses ~~and cart-stands should be left to Village Panchayets generally.~~ Restrictions are ~~also~~ necessary as regards opening of new public markets and it is desirable to ~~associate Village~~ Panchayets ~~more largely~~ with the management of local markets and to specifically exempt jatras, etc., held under the management of Muzrai Officers from the control of District Boards. To make these changes two sections, 54 and 54 A, are proposed in place of the existing section 54.

Clause 16.—This makes a verbal alteration with a view to make the meaning clear.

Clause 17.—The restrictions as regards expenditure outside the area under the authority of the District Board laid down in the existing section are dispensed with and the section is recast on the lines of section 55 of the City Municipalities Regulation.

Clause 18.—This amendment is intended to give effect to the Government Order on the report of the Motor Transport Committee to permit the utilisation of the Railway Cess or of the interest or other income derived from its investment for the construction of new roads and bridges as well as for improvement of existing roads and bridges.

Clause 19.—This clause introduces two new sections (1) empowering the lessee to expel persons refusing to pay the prescribed fees and (2) making every tenant of land on which cesses are levied to pay proportionate cess on his land to the superior holder.

Clause 20.—This substitutes a new chapter for sections 76 to 79 after the model of Chapter XI of the City Municipalities Regulation. The new chapter relaxes the control of Government over the budgets of the District Boards and makes provision for surcharge of illegal expenditure.

Clauses 21 to 29.—These clauses contain minor amendments which are either verbal, intended to make the meaning clear or consequential on the other amendments proposed. Clause 26 secures power to Government to delegate its powers under the Regulation to any officer subordinate to it. This power is considered necessary.

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the receipt and administration of amounts awarded outside Mysore in respect of persons who are residing or about to reside in Mysore.

The list of persons included in the definition of 'workmen' in Schedule II of the present Regulation has been so enlarged as to include persons employed in branches of industries which are both organised and hazardous. The British Indian Act has included an entirely new class of workmen, the workers on the plantations. But it is expected that the increase in the number of possible claims on account of this will by no means be proportionate to the increase in the number of workers brought under the Regulation.

To the occupational diseases included in Schedule III of the existing Regulation, it is proposed to add diseases mentioned in Schedule III of the British Indian Act XV of 1933 and in addition, silicosis or Miners' phthisis and cyanide rash with reference to special conditions obtaining in the Kolar Gold Field area.

VII. Statement of General Principles of the Bill further to amend the Mysore District Boards' Regulation, 1926.

The object of amending the Bill is to introduce necessary changes as regards utilization of the Railway Cess which have been accepted by the Government in the Government Order on the Motor Transport Committee's Report and to bring certain other provisions in conformity with the latest Legislation such as the City Municipalities Regulation of 1933. The subject was placed before the last Birthday Session of the Assembly but a representation was made by the members that a Committee might be appointed to consider these and other amendments arising out of the resolutions passed at the Conference of the Presidents and Vice-Presidents held in February 1935. The Committee which was accordingly appointed considered the proposals for amendment. The alterations and additions recommended by the Committee and accepted by Government are embodied in the draft bill.

The main changes sought to be introduced in the District Boards' Regulation by the Amending Bill are the following :—

Disqualifications of Voters and Candidates.

The disqualifications of voters are now prescribed in Section 10 of the Regulation. But this section is referred to in Section 26 as prescribing the disqualifications of candidates. These disqualifications are therefore proposed to be made applicable to candidates for election to the District Board as in the case of candidates for election to the City and Town Municipal Councils. There is no necessity to prescribe any general disqualifications for voters. Hence, Section 9 is proposed to be amended accordingly.

As regards the qualifications of candidates, there is no provision in the existing Section 11 which excludes persons who are professionally engaged or accept employment as legal practitioners on behalf of or against a District Board. Such exclusion exists in the case of candidates to the City and Town Municipal Councils and it is considered necessary to include this qualification in the section.

Term of Office of Presidents and Vice-Presidents.

Existing Section 23 of the Regulation does not indicate the date on which the term of Office of the President or Vice-President of the District Board commences. With a view to remove doubts on this point, the amendment proposed makes it clear that the term commences from the date of notification of their election or appointment.

There is no provision at present for the removal of Presidents or Vice-Presidents who are unable to pay their debts. Though a proposal to introduce this provision in the Regulation was vetoed by this House in October 1931, it is considered very necessary to make this provision, as it has since been prescribed in the case of the City and Town Municipal Councils in a modified form. Section 23 of the Regulation is accordingly proposed to be amended. The amendment also makes it clear that a person will be considered to be unable to pay his debts if he is under

VII. Statement of General Principles of the Bill further to Amend the Mysore District Boards Regulation, 1926.

The SECRETARY to GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr. M. Venkatanaranappa) explained the general principles of the bill as follows:—

"The object of amending the bill is to introduce necessary changes as regards utilisation of the railway cess, which have been accepted by the Government in the Government Order on the Motor Transport Committee's Report and to bring certain other provisions in conformity with the latest legislation such as the City Municipalities Regulation of 1933. The subject was placed before the last Birthday Session of the Assembly, but a representation was made by the members that a Committee might be appointed to consider these and other amendments arising out of the resolutions passed at the Conference of the Presidents and Vice-Presidents held in February 1935. The Committee which was accordingly appointed considered the proposals for amendment. The alterations and additions recommended by the Committee and accepted by Government are embodied in the draft bill.

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"Existing Section 23 of the Regulation does not indicate the date on which the term of office of the President or Vice-President of the District Board commences. With a view to remove doubts on this point, the amendment proposed makes it clear that the term commences from the date of notification of their election or appointment.

"There is no provision at present for the removal of Presidents or Vice-Presidents who are unable to pay their debts. Though a proposal to introduce this provision in the Regulation was vetoed by this House in October 1931, it is considered very necessary to make this provision, as it has since been prescribed in the case of the City and Town Municipal Councils in a modified form. Section 23 of the Regulation is accordingly proposed to be amended. The amendment also makes it clear that a person will be considered to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any court for the payment of money due by him.

Liabilities of Members of District Boards.

"The members of District Boards are now personally liable for misapplication of any money or other property of the District Boards. It is necessary to make them liable also for loss or waste of the money or property of the District Boards caused by their negligence or misconduct. The necessary addition is accordingly made in the proviso to Section 37 of the Regulation.

Duties of District Boards.

"Section 45 of the Regulation relating to the expenditure from the District Fund makes no distinction between the obligatory and discretionary duties of District Boards for which expenditure may be incurred. It is necessary to treat the less important duties as discretionary and also to amplify the latter as in Sections 58 to 60 of the City Municipalities Regulation. Section 45 is proposed to be amended accordingly, mentioning the duties of the Boards exhaustively with a view to remove the difficulties now felt in interpreting the section.

Establishment and Control of Ferries, Markets, etc.

"Section 54 of the Regulation relating to the above has been found to be defective in many particulars and necessary amendments are proposed therein. Restrictions are also necessary as regards the opening of new public markets, and it is desirable to make provision in the Regulation for associating village panchayats with the management of local markets and to specifically

exempt jatras, fairs, etc., held under the management of muzrai officers from the control of District Boards. In the case of proposals to vest the management in a village panchayat the District Board will be invariably consulted before according sanction. Section 54 is proposed to be amended accordingly.

Expenditure Outside the Area of District Boards.

"Section 65 of the Regulation lays down that expenditure of the District Fund outside the area of the District Board can be incurred with the sanction of the Government, except in respect of certain charges for which such sanction is not required. This restriction is now proposed to be removed by amending Section 65, on the lines of Section 55 of the City Municipalities Regulation by specifying the items of expenditure which may be incurred by the Board irrespective of the Board's jurisdiction.

Utilisation of the Railway Cess for Construction of Roads and Bridges.

"Under Section 68 of the Regulation as amended by Regulation II of 1932, the interest or other income derived from investment of the Railway Cess may, with the previous approval of Government, be utilised for works which may improve the means of communications in the District. The Motor Transport Committee have recommended that the Railway Cess may also be utilised similarly and Government have accepted the proposal in their order on the committee's report. It is accordingly proposed to further amend sub-section (4) of Section 68 of the Regulation so as to permit the utilisation of the Railway Cess or the interest or other income referred to above for the construction of new roads and bridges or for improvement works to existing roads in the District.

District Fund Accounts and Administration Reports.

"A new chapter is proposed to be substituted for Sections 76 to 79 of the Regulation after the model of Chapter XI of the City Municipalities Regulation. The new provisions provide for surcharging, on the report of Government Auditor, the persons responsible for deficiency or loss caused by their negligence or misconduct. Provision is also made for the submission to Government of the annual administration reports of District Boards, as no such provision exists now in support of the present practice.

Co-ordination between District Boards and other Local Bodies.

"Section 40 of the Regulation refers only to the joint committees of District Boards and Municipal Councils and

Section 98 refers to the settlement of disputes between these local bodies. As a corollary to the inclusion of village panchayats in the new Section 54A, it is necessary to include village panchayats in Sections 40 and 98 and the needful addition is made in the bill as recommended by the committee.

DELEGATION OF POWERS OF GOVERNMENT.

"A new section is proposed to be introduced in the Regulation enabling Government to delegate all or any of its powers under the Regulation to any officer subordinate to it. Such an enabling provision is considered necessary.

"The other changes proposed are minor ones, being mostly verbal amendments intended to make the meaning clear or consequential on the other amendments proposed."

Mr. B. SRINIVASA RAO said that the railway cess was intended to be a temporary levy and of late years several representations were being made for its abolition. At such a time, it would not be right to propose the utilisation of that revenue for other ordinary purposes. If that proposal was accepted, the cess would become a permanent levy. The raiyats found it very difficult to bear the present burden of taxation, and the member therefore urged the immediate abolition of the railway cess at least in those districts where there was no prospect of taking up railway extensions in the near future.

Mr. B. S. PUTTASWAMY pointed out that even if the bill was passed, the railway cess would not be levied as a matter of course. What was contemplated in the bill was that in case it was levied, it might be added on to the receipts under land revenue and utilised for particular purposes mentioned in the bill.

Mr. B. SRINIVASA RAO, however, repeated that the cess must be abolished forthwith.

Mr. D. S. MALLAPPA said that the Secretary to Government who explained the general principles of the bill had referred to certain points raised in the proceedings of the committee which had been appointed to consider various amendments to the bill. In order to enable the Assembly fully to understand all those points, he suggested that the committee's report might be circulated to all the members and the bill taken up for consideration thereafter. Else, at least the various views expressed by the non-official members should be fully explained to the Assembly. He also understood that several suggestions of the non-official members had been defeated with the help of an official majority in the committee.

Speaking of the particular provisions of the bill, the member said that while in the municipal elections members

could take their seats soon after the declaration of results, in the bill under discussion it was laid down that a president or vice-president could not assume office unless and until the Government issued the usual notification. But the notification might be delayed indefinitely and it would be unfair to keep the elected gentlemen out of office unnecessarily. He therefore prayed that a time limit might be prescribed within which the notification should be issued.

As regards the management and control of ferries, he suggested that instead of giving the power to the village panchayats, it might be better to vest it in the District Board so that it might remain with one and the same co-ordinating organisation. The village panchayats also would be getting a share of the income, and so they could have no objection to such an arrangement. Similarly, the responsibility of conducting muzrai *jatras* might also be given to the District Boards.

The SECOND MEMBER (Rajamantrapravina S. P. Rajagopalachari) pointed out that only those *jatras* which were notified by the Government could be transferred to the management of District Boards. Under Section 54 (*b*), therefore, certain *jatras* would not come under the control of District Boards.

Mr. D. S. MALLAPPA, continuing, referred to Section 79 (*b*) and said that District Board Presidents should not be required to appear before the Government Auditor and give explanations. As regards the question of delegation of powers, he wanted that in the interest of prestige, Government should delegate their powers only to Heads of Departments.

He prayed that the changes indicated above might be made in the bill and the same brought up again at the next session of the Assembly.

Mr. H. KRISHNAMURTHI ACHAR generally supported the views expressed by the previous speaker. He did not favour the idea of utilising the railway cess for non-railway purposes.

Mr. S. P. RAJAGOPALACHARI pointed out that the question had been examined in detail by the Motor Transport Committee and that they had recommended the utilisation of these funds for improvement of roads, etc.

Mr. H. KRISHNAMURTHI ACHAR thought that it was a very unfair recommendation. Construction and improvement of roads was a necessary duty of Government and it would be very hard on District Boards to be called upon to take over that heavy responsibility. The hardship was all the greater in view of the fact that the District Boards were not receiving any portion of the State's income from petrol-tax revenue. He requested that liberal grants be given to the District Boards from this and other items of State revenues.

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Mr. B. N. BORANNA GOWDA said that the bill required to be altered in some respects. Firstly, the provision in the bill *re.* handing over a portion of the shandy income to village panchayats was not a very satisfactory provision. The shandies held in any village would often be meant for more than one village, and if any one of the village panchayats was given a share of the income, the other panchayats would also ask for shares. And if all these claims were recognised, not only would the income of the District Boards suffer, but a sort of dual control would be established. It was very necessary that the District Boards alone should have full powers to control these shandies.

With regard to presidents and vice-presidents, the bill proposed that they should assume charge of their offices only after Government notified the results of election. But the issue of the notification might for some reason or the other be delayed, in which case, the elected persons would have to keep waiting unnecessarily. To avoid this, he suggested that the clause might be so modified as to allow elected presidents and vice-presidents to assume charge of their offices soon after the election.

In the next place, he requested that District Boards, being responsible bodies, should be authorised to correspond with the Government direct.

Lastly, he requested that suitable steps be taken to improve the District Board revenues which were falling.

Mr. K. M. KRISHNAPPA GOWDA said that the provision that no lawyer employed on behalf of a District Board or against it should stand for election would work as a great hardship. It meant that lawyers should have nothing to do with District Board work, or if they already had such work on hand, they should give it up before standing for election. But the point was that in the elections one might or might not come out successful. The person who did not succeed would be losing in two ways. That would prevent many desirable people from standing for election. To obviate this difficulty, it would be sufficient to say that once a lawyer was elected to the Board, he should not take up work as legal practitioner either for or against the District Board.

There was a new provision inserted in the bill in the matter of the removal of the president or the vice-president if he was arrested in execution of a decree of any court. That was no doubt good in principle, but it would be sufficient to lay down that a person would forfeit his office only if he was unable to pay off his dues. It would be too hard to stipulate that for mere arrest a man would have to lay down his office, because arrest might be caused even for trivial causes on account of personal grudge.

Re. resignations by members and vice-presidents, MR. KRISHNAPPA GOWDA suggested that they should be placed before the Board.

Mr. S. P. RAJAGOPALACHARI said that the Board would meet once in three or four months and it would not be right to make the members wait for acceptance of their resignation till then.

Mr. K. M. KRISHNAPPA GOWDA said that in such cases an extra-ordinary meeting might be called for to dispose of the matter. This procedure would enable the members of the Board to know the reasons for resignation.

He did not see any necessity for the provision that the president might forbid access to members to the records since that would create ill-feelings in the Board. The president might prevent access to particular records for particular reasons. Otherwise, any member of the Board could put an interpellation asking for the records being placed on the table and himself get access to them.

He had no objection to the provision that the presidents or vice-presidents should assume charge only after Government issued the usual notifications, but he wanted that such notifications should be issued within a stipulated time. He supported the view expressed by previous speakers that the income from *jatras* should go only to the District Boards.

Referring to the preparation of voters' lists, he said that, except the cost of printing, all other items of expenditure should be met by the Revenue Department. When the Government were meeting the expenditure on scout rallies, etc., there was no reason why they should not bear the travelling allowances of polling officers and thus give some relief to the District Boards whose income was falling from year to year.

Referring to the audit of accounts, he said that even an ordinary clerk might be sent out for auditing the accounts of a District Board. Under the proposed bill, the District Board presidents whould have to give their explanations before such clerks. That might mean some awkwardness to the presidents. Therefore he suggested that the minimum status of the persons who audit District Board accounts might be defined.

Mr. S. P. RAJAGOPALACHARI observed that generally the officers deputed would be of the status of Assistant Comptrollers.

Mr. D. S. MALLAPPA said that the District Board presidents, being honorary workers, should be treated with due respect and should not be made to render accounts and explanations to ordinary accountants and auditors.

Mr. S. P. RAJAGOPALACHARI said that the person in charge of accounts would be asked to render

accounts and not the president, as would be clear from a perusal of the clause.

Mr. K. M. KRISHNAPPA GOWDA said that the clause *re.* delegation of powers of Government was very vague. It was not clear to whom they would delegate their powers.

Mr. S. P. RAJAGOPALACHARI said that this question had been discussed in great detail when the municipal bills were before the House and the Dewan had then stated that it was not possible to be too definite in such matters. And so, there was no use pressing the point further. But he would add that members could rest satisfied that Government would delegate their powers only to responsible officers.

Mr. G. CHANNAPPA suggested that the system of pre-audit might be introduced in the District Boards also.

Mr. S. P. RAJAGOPALACHARI said that, as was stated by him in the Committee, the Government would have no objection to introduce it if any District Board asked for it.

Mr. H. B. GUNDAPPA said that, viewed from any point, the policy of the Government in respect of District Board administration seemed to be to curtail the powers of these local bodies. The Dewan had, in his opening address to the Assembly, congratulated the non-official members on the very keen interest they were evincing in local affairs and in reply, Mr. Chengalaraya Reddy had said that if heavier responsibilities were given to the non-officials, they would cheerfully bear them. But far from entrusting them with such responsibilities, as a matter of fact the powers of these local bodies were being curtailed in addition to a steady depletion of their funds. For example, when the Village Panchayat Regulation was introduced, *mohatarfa* income was transferred to village panchayats. The Road Traffic Bill was introduced and as a result thereof, the District Boards lost much of their income from tolls. It looked as though the introduction of any new local self-government measure meant the curtailment of powers and also of sources of revenue of the District Boards. Year after year, the administration reports of the District Boards were showing that the financial position of local bodies was going from bad to worse. This was particularly so in respect of the Hassan District. In spite of it, there was no provision in the bill before the House which was calculated to bring in more income to local bodies. On the other hand, there had been certain proposals which would result in further reducing their income. The handing of a portion of the income from shandies and *jatras* to village panchayats was an instance in point. As a result of all these provisions, the income of the District Boards would considerably fall. At the same time, those bodies could not but continue to

incur heavy expenditure on maintenance of roads, medical aid and so on. While thus the District Boards were not financially well off, the Government were not allowing the village panchayats to spend their accumulated funds. At that rate, he asked, what was the need to keep the District Boards at all? They had not even the power exercised by city municipal councils—of maintaining their own establishments for carrying out public work. He therefore requested that the District Board administration should be liberalised and non-officials given greater powers and thus encouraged to work with greater interest.

Referring to the provision in the bill for making the members liable for loss or waste of money or property of the Board caused by their negligence or misconduct, MR. GUNDAPPA said that the word "negligence" was too strong a term and its retention in the bill would prove harmful to the members. So far, there had not been any instance of loss of property due to negligence. Even in the Municipal Regulation, there was no such provision. There was no necessity to introduce the language of the Indian Penal Code in this Bill.

Mr. S. P. RAJAGOPALACHARI pointed out that a similar provision existed in the Municipal Regulation also.

Continuing, MR. H. B. GUNDAPPA said that the provision relating to the removal from office of the president or vice-president if he was arrested in execution of a decree of any court was too harsh. He was at a loss to know why these people should be treated so severely while officers of Government against whom decrees were passed and whose salaries were constantly being attached were allowed to continue in service.

Mr. S. K. VENKATARANGA IYENGAR said that the grievance of Mr. H.B. Gundappa seemed to be that the powers of District Board presidents were not commensurate with the responsibilities which they were asked to shoulder. But he himself did not share that view. On the other hand, it looked to him as though the District Board presidents were asking for more powers without, at the same time, having the willingness to bear further responsibilities. What was proposed in the bill was to give a higher status to the District Boards—the status of city municipalities—by introducing some of the provisions of the City Municipal Regulation into it. It was also remarked that the town municipalities were in a much better position than the District Boards in that they could spend larger amounts than District Boards. To this, his reply was that under the City Municipalities Regulation, the maintenance of an Engineer or a Commissioner or a Chief Officer was

an obligatory duty, and if the District Boards agreed to take up this statutory duty, they could be given larger powers so as to execute all the works themselves. But supervision was more important than mere establishments with regard to public works. The presidents could not themselves supervise the works, because they were not technical men and had to depend upon sanitary inspectors for advice.

Mr. H. B. GUNDAPPA enquired whether the local bodies in the Madras Presidency were not enjoying larger powers.

Mr. S. K. VENKATARANGA IYENGAR said that the Government there had begun to realise their mistake and were slowly reducing the powers of the District Boards in this respect.

Messrs. G. CHANNAPPA and **B. S. PUTTASWAMY** said that the District Boards were perfectly willing to maintain their own engineering establishments, but the Government had not sanctioned their request so far.

Proceeding, **Mr. S. K. VENKATARANGA IYENGAR** agreed that it was very undesirable to have indebted people as presidents or vice-presidents, particularly in view of the powers they had. Such indebted people should not be allowed to handle public money. The provision in the bill in regard to this was very necessary and no one need think that he was going to lose anything as a result of its existence.

Regarding the provision for audit, MR. VENKATARANGA IYENGAR pointed out that a similar provision was to be found in the Municipal Regulation. None of the District Board presidents raised any objection to it when that Regulation was under discussion, but it was significant that all the presidents should be raising a hue and cry over it now that it was proposed to be included in the District Board Regulation also. He emphasized that the provision proposed was very sound and that the members, instead of opposing or resenting it, ought to welcome it.

In conclusion he said that, on the whole, the bill was an improvement over the existing law in that it proposed to give a better status to District Boards. In this view, he hoped that the House would pass it without hesitation.

Mr. M. SIDDALINGA SETTY said that the people of the Kadur District had already paid over 12 lakhs of rupees by way of railway cess for the past many years hoping that they would get railway facilities in their district sooner or later. So they were not at all in favour of the railway cess being utilised for road improvements. Already a sum of nearly Rs. 25,000 had been spent out of it and he requested that the fund should not be further depleted.

Mr. H. K. MADIAH requested that members of the House might be enlightened as to the opinions expressed

before the special committee on various matters by non-official members of the committee who were also presidents of District Boards.

Mr. W. H. HANUMANTHAPPA said that both the District Boards and the Government should have rule-making powers. Secondly, he suggested that a time limit should be fixed within which, after the election results were announced, the Government notification concerning the same should be issued. Otherwise, there might be room for inordinate delay.

Regarding liabilities of District Board members, he suggested on the analogy of the Municipal Regulation, that the words "misapplication of funds" be inserted in place of "negligence."

Mr. S. P. RAJAGOPALACHARI observed that Section 210 (2) of the Municipal Regulation also contained the same word.

Mr. W. H. HANUMANTHAPPA then suggested that the restrictions now imposed in the case of municipalities about private markets might be adopted in the case of District Boards also. As regards the provisions relating to audit, he said that they were very sound and needed no change.

In conclusion, he requested that larger powers and privileges be given to the District Boards in view of the burdens they were shouldering and also with a view to enable them to work more harmoniously.

Mr. S. C. MALLIAH said that it was not right for District Boards to take away the entire income from shandies in which people from many villages would participate. Since the shandies would be held in the villages, the District Boards also would give some facilities for conducting them. It was only fair that the income should be shared by all the bodies concerned.

He also agreed with the previous speakers that a time limit should be fixed within which the Government notification should issue in the matter of election results, so that the president or the vice-president might not needlessly be prevented from assuming office. With these remarks, he supported the measure.

Mr. J. MAHOMED IMAM said that the introduction of any new legislation would affect certain people and it was usual for such persons to oppose it. But on that one ground alone, the legislation should not be rejected. If the legislation was such as would rectify any existing defects or remove any existing disadvantages, it ought to be accepted even ignoring the opposition from a few individuals. One of the most important amendments proposed in the bill related to the utilisation of railway cess fund for road improvements. For some time past, all District Boards, except perhaps those of Kadur and Kolar, were making requests to Government in this respect, as they

had no other means of improving their roads. Mr. Siddalinga Setty, one of the previous speakers, was very emphatic that the railway cess fund should on no account be diverted for other purposes, but utilised only for railway expansion. But the speaker did not share that opinion. Some experts had expressed the view that expenditure on railway extensions would often result in loss. Diversion of railway cess funds for road purposes would be very much more useful to the public than for extension of railways. Bus traffic had come to stay in many parts of the State and good roads had therefore become a desideratum.

Regarding the provision relating to the removal of presidents and vice-presidents on account of indebtedness, MR. MAHOMED IMAM said that only persons who were free from indebtedness could discharge their duties without fear or favour. It might be that a particular set of presidents were free from indebtedness, but the Regulation was intended for all time and for all persons, and so there could be no objection to provision being made in the bill as proposed.

He agreed with the previous speakers that in the clause relating to the liabilities of District Board members, it would be sufficient to say "misapplication of funds" in place of the word "negligence" as the latter was too strong a word.

In conclusion he said that on the whole, there were many useful provisions in the bill and for that reason, he had great pleasure in supporting it.

Mr. Tudki RAMANNA GOWDA was also in favour of the provision regarding the utilisation of the railway cess for road improvements. He said that as against one mile of railway, nearly 80 to 90 miles of road could be opened up for bus traffic with the same amount. In the malnad, the condition of roads was very bad and the District Boards had no money to improve them. If these roads had to be improved at all, a portion of the railway cess fund would have to be utilised.

Secondly, he said that for District Board elections there was no restriction as in municipal elections that a candidate seeking election from a certain locality should have been residing in that locality for at least six months prior to the election. The absence of such a clause had resulted in people from cities and towns getting elected as presidents and vice-presidents of the District Boards, much to the prejudice of the interests of people in rural parts. To get over this defect, it should be made a rule that only those living in the particular areas for some time prior to the elections, should stand for election to District Boards.

In regard to the income from shandies, he was of opinion that it should go exclusively to the District Boards.

Mr. C. R. NIRVANAPPA SETTY said that the railway cess fund should be utilised only for railway extensions, and if this was not possible, the levy of the cess should be discontinued. The fund should on no account be diverted for any other purpose.

The DEWAN said that motor buses had taken the place of railways and diversion of the cess funds for purposes of road improvements could by no means be objectionable.

Mr. Bagamane DEVA GOWDA said that the proposal of the Kadur District Board was to permit them to utilise for road improvement purposes only the interest earned on the cess fund and that there was no proposal to deplete the corpus of the fund.

Mr. C. R. NIRVANAPPA SETTY said that the raiyats would not agree to the diversion of even the interest on the fund for non-railway purposes. If they came to know that all programmes of railway extension were given up, they would no longer agree to pay the cess. Instead, therefore, of giving up such programmes and using up the available funds for other purposes, he would much rather that the cess was levied in future also, railway development being taken up as and when convenient.

Mr. MEER MAHOMED SAHIB, agreeing in this view, suggested that the clause relating to this matter be definitely deleted from the bill.

Mr. SYED MOHIYUDDIN HUSSAIN said that he would much rather allow diversion of the education cess fund for road improvement than that of the railway cess fund or even the interest for that purpose. People were continuing to pay the cess in the hope that they would get railway facilities some day or other and there would be no justification in District Boards utilising it for road improvement.

Bill further to Amend the Mysore District Boards Regulation, 1926—(*contd.*)

Mr. K. CHENGALARAYA REDDY, referring to the comments made by certain members the previous day on the part played by the non-official members of the committee constituted for amending the District Boards Regulation, sought permission to make a brief statement explaining to the House what actually transpired in the committee. In the first place, he observed that considerable restraint was put on the committee by the limited terms of reference. Even though the order stated that the committee could make recommendations for improving the Regulation, most of the constructive suggestions of the non-official members were ruled out as not falling within the purview of the terms of reference. He mentioned the following points which were so suggested but not allowed, as instances:—

(1) Co-ordinating the work of District Boards with that of other Local Bodies.

(2) Having separate Engineering establishments under the control of District Boards.

(3) Improving the financial resources of Local Bodies so as to enable the non-official Presidents to effect improvements.

(4) Reducing the contributions by Local Bodies towards medical aid, etc.

(5) Partial relief in the matter of contribution towards sinking drinking water wells.

(6) Placing Sanitary Inspectors under the control of Local Bodies.

As regards the other matters discussed, the speaker said that the question of village panchayats having control over shandies had come up, that District Board presidents had pointed out to the Government that the arrangement they had proposed would involve a withdrawl of privilege which District Boards were formerly enjoying and lead to practical difficulties due to dual control. But the District Board presidents, he added, had no objection to the village panchayats holding shandies in any new places convenient to them.

About *jatras*, fairs, etc., it was agreed in the committee, after prolonged discussion, that *jatras* and fairs already existing, except those specially reserved as well as those to be instituted in the future, shall be placed under the control of District Boards. As regards private markets, the decision arrived at was that the provision contained in Section 121 (i) of the Madras Act should be adopted.

As regards the provision in the Bill regarding Presidents of District Boards being called upon to appear before the Government Auditor to give statements and explanations, he explained that it was stated on behalf of Government that the Auditor referred to would be

one not below the rank and status of an Assistant Comptroller and that the presidents need not stand on false prestige and refuse to furnish any information required by him. The non-official feeling in the committee was that the officer deputed to examine the presidents under such circumstances should be the Comptroller himself.

On the question of holding the presidents responsible for loss of funds, etc., the non-officials on the committee admitted that they should not shirk their responsibilities for any loss caused to local bodies by their negligence, etc., and should be prepared to face the issue. He personally did not object to the provision made for appeal against the orders of the Deputy Commissioner and even for taking the matter to the civil court.

Though he had taken objection to having to submit Administration Reports and Budget Estimates to Government and carrying on correspondence with them only through the Deputy Commissioners, the committee had over-ruled it with the help of an official majority.

As regards the railway cess, the non-officials had expressed different opinions. If they gave any consent at all, it was only to the enabling clause in the bill that in case it was not required for extension of railways, it could be diverted for improvement of roads.

In the matter of delegating the powers of Government under the Regulation to any subordinate officer, the contention of the non-officials was that the officer should not be below the rank of Head of a Department. But on the strength of the explanation that such powers were delegated in British India to Collectors and that therefore delegation here also would be in favour of officers of a corresponding status, the change was agreed to.

Mr. Chengalaraya Reddy also emphasised the promise held out by the Chairman of the Committee that Government would issue orders very early enlarging the powers of the presidents of District Boards in regard to matters not covered by the Regulation but specifically raised by the non-official members. An assurance had been given that the question was under the active consideration of Government and that a notification would issue very soon.

Mr. Chengalaraya Reddy next referred to the report drawn up by Government of the proceedings of the committee and said that because of the very short interval between the last meeting of the committee and the opening of the Assembly, he could not append his minute of dissent though he wanted to do so. He also stated that he had not affixed his signature to the report that was circulated to the committee members. Not only had the committee to push through its work in great hurry, but the Government Member who was the Chairman, was also

hard up for time due to his then impending visit to Bombay and Simla on State matters. On the whole, he stated that special stress was laid by the Chairman of the committee on the possibility of transferring powers to non-officials by means of executive orders so that there was no need to amend the provisions of the Regulation. This was the reason why, he said, the non-official members yielded on many issues, but it was not known how far the hopes entertained by them on the basis of that assurance would be realised. For example, about the constitution of District Board, it had been proposed that the elected element in the District Board should be raised from two-thirds to four-fifths but in view of the promised executive orders, this point also was not pressed.

So far as the bill before the House went, he said that unless he knew what exactly would be the improvements which Government were going to effect, he was not inclined to support it. He, however, suggested that since the amendments would come into force only after the next elections, the bill might be referred to a special committee composed of the presidents of all the District Boards and a revised bill placed before the next session of the Assembly. In conclusion, he said that if those things were not going to be done, the attitude of non-official members towards the bill would be one of absolute indifference.

Mr. B. L. BYANNA said that though a president or vice-president assumed office immediately after the declaration of the results of election, it was implied that he would actually take charge of the office only after the publication of the notification in the Gazette. No object would be gained by the modification proposed and he therefore thought that the existing practice might continue.

The SECOND MEMBER (Rajamantrapravina S. P. Rajagopalachari) said that what was proposed in the bill was to codify what was actually taking place even now. Once the appointment was notified in the Gazette there would be some amount of certainty about it. Even Members of the Representative Assembly and the Legislative Council would be deemed to have been elected as such only after the notification in respect of their election was published in the Gazette. As such, what was proposed in the bill was not a novel procedure.

Mr. S. K. VENKATARANGA IYENGAR said that there was some suspicion in the minds of the people that the publication of the notification might be delayed unduly, and that with a view to allay the suspicion, it would be better to lay down that the publication of the notification should be in the particular issue of the Gazette immediately following the election.

Mr. S. P. RAJAGOPALACHARI said that the Government were not interested in delaying the notification unless there was any objection to it.

Mr. B. L. BYANNA said that in Madras and other British Indian Provinces, the members would take their seats immediately after the results of elections were known and suggested that the same procedure be followed in Mysore also.

Regarding removal of the president or vice-president from office, he said that the person would not be removed from office the moment he was arrested. He would be given sufficient time to repay the amount. If he replied it within that time, there would be no trouble at all. Otherwise, he must go out of office. It was very necessary that indebted persons should not be in charge of such responsible posts where they had to deal with public funds. The suggestion should have emanated from the members themselves and as such there would be no meaning if the Government were found fault with for having taken the initiative in the matter.

Regarding audit, he said that the contention of certain members that it was *infra dig* for District Board presidents to render accounts to auditors was not tenable for a moment. Nobody need be afraid of audit so long as the accounts were correct.

He brought to notice that district board roads were not maintained in a proper condition. The reason for this was that in many cases, in order to prevent lapses of grants, contracts were given at the tail-end of the year and the works pushed through hastily so that bills also might be paid before the end of the year.

There were many instances of negligence or misconduct on the part of presidents or vice-presidents. For example, some presidents were not even placing arrear lists before the Board. They sometimes allowed claims to get time-barred and thereby heavy losses would accrue to the District Boards. Such being the case, he did not know why any Member should object to a president being penalised for his own neglect or misconduct. The provision now included in the bill, he said, was thus a very desirable one.

He then suggested that it was very necessary that Chief Officers should be appointed to the District Boards if really the funds of the Boards should be well spent. The presidents were not whole-time servants and they were in many cases non-technical men. The Deputy Commissioners could not bestow much attention to district board works. Therefore the appointment of Chief Officers would help in ensuring that the district board funds would be properly spent.

In conclusion, he said that the bill was one which deserved support at the hands of the Members of the House.

Mr. N. G. SANJIVIAH said that the work of the committee was not quite satisfactory as things were hurried through. He wondered why

Mr. Chengalaraya Reddy should have acquiesced in the decisions arrived at by the committee instead of lodging his protest in respect of them. The object of appointing the committee was to rectify defects in the existing law, and it could have been best achieved if all the changes necessary had been consolidated and placed before the House. The one chief defect in District Board administration was the absence of a Chief Officer attached to the Boards. For want of engineering establishment of their own, District Boards were losing heavy amounts of money by way of supervision charges and plant and tool charges paid to the Public Works Department. If all that money was saved to the District Boards, they could usefully spend it on some of their roads or on some other essential needs.

Regarding *jatras*, he said that the Government had retained some of them under their control, *e.g.*, Ghati Subrahmanya Jatra and had entrusted others to the care of District Boards. From this he inferred that Government were eager to reserve in their own hands the more remunerative *jatras* transferring to the District Boards control over only the more ordinary ones.

He was firmly of opinion that the railway cess fund should on no account be utilised for expenditure on roads. It was levied for the specific purpose of railway extension and it should be utilised only for that purpose. If for any reason there was no likelihood of any railway extension being taken up in the near future. the levy of the cess might be abolished and relief given to the raiyats. This would be very much appreciated by the raiyats specially at the present time when they were finding it very difficult to pay their *kandayam*.

He agreed with Mr. Byanna in the view that Chief Officers were necessary for the proper utilisation of District Board funds.

Mr. S. P. RAJAGOPALACHARI observed that there was already provision in the Regulation for District Boards to have their own Chief Officers, but as no need was felt for the appointment of such officers, the provision had not been availed of.

Mr. N. G. SANJIVIAH was not in favour of income from shandies being shared by the District Boards and the village panchayats. As the District Boards were maintaining all the roads and were responsible for drinking water wells in the District Board areas, he thought that it was only right that they should get the entire income.

In conclusion, he said that the District Boards should be given more powers with a view to empower them to tap fresh sources of income so that they might be able to meet their growing expenditure.

Mr. H. M. CHANNABASAPPA said that in the clause relating to the delegation of powers by Government to their

subordinates,it was necessary to mentic the rank and status of the officer wh was competent to exercise the powei delegated. He had no objection to th utilisation of railway cess for expenditur on roads, but he suggested that in th utilisation of the fund, special preferenc should be shown in the matter of con structing roads and bridges to such o the districts as had no railway facili ties at all. In clause 27A relating t casual vacancies resulting from ai increase in the number of members, h suggested that the words " or for suc period as the Government may in thi behalf notify in the official Gazette ' be omitted. He also wanted that th words " due notice " in clause 30 (3 be defined so that the president migh not sleep over the request of the mem ber. Personally, he thought that ε week's notice ought to be sufficient.

Mr. K. T. BHASHYAM AIYANGAR said that the amendments proposed had given room for a lot of discussion and that on the whole, the District Boards would not benefit much by the amend ments proposed in the bill. Many other improvements which were more urgent ly necessary, had not been taken up. And even in the amendments proposed, there were some which were not quite satisfactory. Mr. Chengalaraya Reddy who had been a member of the com mittee had explained the work of the committee in detail and stated that he himself was not in favour of some of the amendments.

Mr. S. P. RAJAGOPALACHARI interrupting the speaker, stated that Mr. Chengalaraya Reddy had generally supported the bill both in the committee and in the House.

Mr. K. T. BHASHYAM AIYANGAR observed that he was very sorry that Mr. Chengalaraya Reddy should have sup ported it. District Board presidents had the same status as Deputy Com missioners and certainly their position would be compromised if they were asked to render explanations before auditors of or below the Assistant Comptroller's grade.

Mr. S. P. RAJAGOPALACHARI referred the speaker to Section 79 (*b*) of the Regulation and said that it had reference to the " person accountable " and not to the president. There was therefore no need to assume that the president himself would always be summoned.

Mr. K. T. BHASHYAM AIYANGAR said that " any person " might include the president also. It was necessary to make it clear that this would not be so.

Mr. S. P. RAJAGOPALACHARI pointed out that in the City Municipa lities, the honorary presidents of which had the same status as Deputy Com missioners, similar provisions existed and he could not understand why the inclusion of the same provisions in the District Boards Regulation should be resented by any member of the Assembly.

Mr. K. T. BHASHYAM AIYANG. said that the existence of such a p vision in the City Municipalities gulation should not be the reason its inclusion in the District Boards gulation also. At the time the Munici Regulations were discussed, this po might not have been noticed by t members. The words "any perso would include the president and t vice-president, and he suggested th with a view to give them protectio the words "provided that neither t president nor the vice-president sh be requisitioned" be put in.

Mr. S. P. RAJAGOPALACHAI observed that in any special case, the president or the vice-presider himself had some document in his po session, there would be nothing wro in his being summoned to produce it.

Mr. K. CHENGALARAYA REDD said that in such cases, the Gover ment might call for the papers and n the Auditor.

Mr. S. P. RAJAGOPALACHAR said that if clauses 79 (*a*) to (*d*) wer read together, it would be clear tha the person accountable and not th president would be summoned. Mem bers should not be under the impres sion that this section was intended t subject presidents or vice-president of District Boards to any indignities A section similar to the one under dis cussion was already in existence in th Municipal Regulations, but so far n difficulty had arisen. Under the law in force, a Third Class Magistrate, o for the matter of that, even a Police Sub-Inspector might summon any per son, whatever his status, to appear before him and explain any matter. That was not objected to as amounting to an insult to anybody. It was therefore advisable for members not to take that line of argument. He would give the assurance that the amendment would in no way affect the status or prestige of the president or the vice-president.

Mr. K. T. BHASHYAM AIYANGAR said that the analogy was not very satisfactory, for a Third Class Magistrate was a judicial officer who could take statement from anybody on oath, whereas the Government Auditor was only an administrative officer. For example, he could not grant copies of statements made before him to anybody who applied for them.

Mr. S. P. RAJAGOPALACHARI observed that for purposes of audit, the Auditor was a judicial officer and he would have to be a judicial officer if his duties were to be discharged fearessly. He also added that the Governnent were not effecting any change in he section as it stood, because audit vas a most important matter for the Government as well as for the District Board.

Mr. K. T. BHASHYAM AIYANGAR hen referred to the clause relating to he loss of the district board property by

the negligence or misconduct of its members, and said that it was too early to say that there was need for such a clause in the Regulation. These institutions came to be managed by non-official members only recently; this additional responsibility might be shifted on to them only after further powers were granted to them. He also added that if Section 88 was amended and it was made a rule that every District Board should have its own Chief Officer, such officer might be made responsible for all such losses.

Regarding the removal of presidents or vice-presidents from office for reasons of indebtedness, he said that though it was a very salutary provision, it should not find a place in the Regulation itself. If the members of the District Board knew that a certain member was indebted, they would not elect him as president or vice-president at all. However, he would like this point to be left to the members themselves to decide, at any rate, for the present. Even granting that once or twice the members made mistakes, they might be expected to profit by such mistakes.

Mr. B. S. PUTTASWAMY said that he had not expected, after the elaborate explanation given by Mr. Chengalaraya Reddy, any further criticisms of the bill. He agreed with almost all the views expressed by Mr. Chengalaraya Reddy. As was stated by Mr. Chengalaraya Reddy, by the passage of this bill, the local bodies would neither get any additional powers nor lose those already existing.

He did not know why some of the Members of the House including Mr. N. G. Sanjiviah raised objections to the utilisation of the railway cess funds for expenditure on roads and bridges. The amendment did not say that the cess must be levied or that if levied, it must be utilised for improvement of roads. What was provided in the bill was that if a District Board levied the cess and if it also specifically resolved) spend the receipts therefrom on oads, then only could the amount be tilised for that purpose and not other-ise. It was only an enabling clause. s such, he did not think that there as room for any apprehension that mply because a provision like that xisted, the cess would be levied in all istricts as a matter of course, and that he entire receipts would necessarily be iverted for non-railway purposes.

In respect of the suggestion of Messrs. Syanna and Bhashyam Aiyangar that very District Board should have , Chief Officer, he said that in the ounties of England, the Chief Exe-utive was called the County Clerk or Borough Clerk and he was respon sible to execute all the works. If any mistake was committed by him, he would be removed. But the practice here was quite different. In most cases, the Chief Officers were men lent by the Government and such officers

would naturally give their first attention to the interests of the Central Government, the interest of the local body being only secondary to them. So, there was no use of having such officers so long as they were lent officers of Government.

He generally supported all the provisions of the bill and hoped that the House would also give its support to the same.

Mr. Belur SRINIVASIENGAR said that the amending bill before the House would in effect result in withdrawing some of the powers which the District Board presidents had been exercising for the past six years. Out of 661 States in India, it was only the Mysore State that had entrusted certain responsibilities to non-official presidents of District Boards and these non-official presidents had acquitted themselves very honourably in the discharge of those responsibilities. It would therefore be unfair to curtail their powers to any extent.

He said that diversion of the railway cess fund for road purposes would be wrong in principle and should not be allowed. By so diverting the fund, the Government would be going back upon their promise to provide adequate railway facilities in the respective districts.

The DEWAN pointed out that District Board presidents like Mr. Bagamane Deva Gowda were in favour of such diversion.

Mr. Belur SRINIVASIENGAR replied that whoever agreed to it, it would be wrong to divert the fund. Maintenance of roads in proper condition was a duty of the State and local cesses ought not to be utilsed for that purpose. In this view, he said the proposal ought not to be countenanced by the House.

In conclusion, he said that there was no doubt that there were certain defects in the existing law which should be ectified. But that could not be done y means of the proposed amending bill. t more effective way than that would e for Government to take District oard presidents into confidence and onsult them. For this purpose, he uggested that the Member of Council n charge of the Local Self-Government ortfolio might convene a conference f presidents of District Boards for liscussing suggestions to be specially nvited in this behalf.

Mr. H. K. MADIAH, who spoke next, tated that the appointment of a Chief Officer for each District Board was very necessary.

On behalf of Government, **Mr. S. P. RAJAGOPALACHARI** said that the general principles of the Bill had been discussed at great length and there was not much for him to add after the explanations given by Messrs. Chengalaraya Reddy and Puttaswamy. There seemed to be an impression in the minds of certain Members of the

House that the Government were trying to withdraw some of the powers and privileges of non-official presidents of these local bodies. That was an erroneous impression. The bill had been proposed more with a view to improve the machinery of the local bodies by rectifying certain defects in it than to curtail the powers of these office-bearers. There also seemed to be an idea that the District Board presidents should remain sacrosanct and that whatever their faults, nobody should check them. That was evident from the objection taken by many of the members to the provisions in respect of audit. That was not a correct stand for any one to take. Whatever their position, non-official presidents and vice-presidents should be subject to the law of the land as much as anybody else. He wanted that this should be clearly borne in mind by one and all.

As Mr Chengalaraya Reddy had pointed out, the entire District Board administration was not under consideration. It was only a few sections that were sought to be amended at present. So there was no justification for the criticism that the bill was not comprehensive enough.

The question relating to the appointment of Chief Officers had been discussed at great length and Mr. Chengalaraya Reddy also had referred to it in some detail. Under Section 88, there was already provision for the appointment of Chief Officers in the Regulation, and whether Government would actually appoint them or not was a separate matter. Government would consider the matter as and when individual cases came up for decision. But this would not be a matter for discussion in connection with the amendments included in the bill circulated to the House.

Three main issues were referred to in the terms of reference to the Special Committee, *viz.*, the bill which had been previously prepared by the Government ; the resolutions of the Conference of District Board presidents ; and other things calculated to improve the machinery of District Board administration. As regards the first, it was discussed section by section in the committee. As regards the second item, an examination was made as to which of the resolutions required an amendment of the existing Regulation. Suggestions had been received before the committee met. The committee discussed those suggestions. It was found that out of 25 resolutions passed by the District Board presidents, only 6 related to legislation, all the rest being matters for executive orders. They were discussed and legislative action, wherever necessary, also suggested. In respect of some others, administrative action was found to be sufficient and so the question of amendments to the Regulation did not arise in connection with them. As regards

the third item, *viz.*, matters calculated to improve the machinery of the District Board administration, Mr. Chengalaraya Reddy had suggested 4 or 5 points, some of which were accepted and others rejected after discussion. So, it would not be correct to say that the committee carried the day with all the weight of its official majority. All the members of the committee sat together and discussed the points freely. They did not meet there as officials *vs.* non-officials. On the other hand, non-official members themselves made certain proposals, frankly discussed them, passed some and rejected some. In fact, some of the suggestions made by non-official members were thrown out by their own friends. For example, it was proposed that the proportion of the non-official elected element should be raised from two-thirds to three-fourths as in the case of Town Municipalities. It was agreed that this suggestion might be considered in connection with the question referred by the Government to the District Boards of the possibility of effecting reduction of the number of members of District Boards. So, there was no idea on the part of the Government that any of the powers of presidents of District Boards should be withdrawn. The amendments had been suggested only with a view to improve the District Board administration, by rectifying some of the drawbacks which had been noticed. For example, Magadi Taluk in the Bangalore District, had sent up a proposal to the effect that panchayats themselves should manage and control the markets. To comply with that and similar requests, an enabling section in the Regulation was necessary. There was provision in the Village Panchayat Regulation, no doubt, but there was no corresponding provision in the District Boards Regulation. Similarly there were certain provisions in the Muzrai Regulation regarding *jatras* and fairs, but none in the District Boards Regulation. Corresponding provisions had therefore to be incorporated in the bill.

The provision in the bill regarding the Auditor was quite sound and there need not have been all the opposition which had been directed against it. The stricter the audit, the more efficient would be the administration. There was no question of prestige involved in matters of audit.

Other minor questions raised in the course of the debate by certain members had been dealt with by some other members and therefore he would not take up more time of the House by going into them once again.

With regard to the representation made by more than one member that Chief Officers should be appointed to all the District Boards, this was mainly a question of policy and the Member could not say anything off-hand. If

particular institutions wanted Chief Officers to be appointed, the Government would certainly consider the question.

Mr. B. SRINIVASA RAO and some other members said that if the clause relating to diversion of railway cess for road purposes was deleted, the House would give its whole-hearted support to the bill as a whole.

Mr. S. P. RAJAGOPALACHARI replied that it had not been included in the bill for the first time now. Some District Boards in fact had levied the cess out of their own free will. If the receipts therefrom were not required for other purposes, why should the District Boards not spend them for other legitimate purposes ?

Mr. MEER MAHOMED SAHIB said that members were repeatedly representing that the railway cess must be discontinued and requested that Government might be pleased to accept the representation on the present occasion once for all.

Mr. S. P. RAJAGOPALACHARI replied that there was no connection between abolition of the railway cess and the bill under discussion.

The general principles of the bill were thereupon put to vote and passed.

GOVERNMENT BUSINESS.—*concld.*

X. Bill further to amend the Mysore District Boards Regulation.

(*a*) *Motion that the Bill published under Rule* 8 *of the Rules of Business be read in Council.*

The SECOND MEMBER (Mr. N. Madhava Rau).—Sir, in moving that the Bill further to amend the Mysore District Boards Regulation, 1926, be read in Council, I may briefly refer to its short but not uneventful history.

The principles of a bill, substantially similar to the one now introduced, were placed before the Representative Assembly in June 1935. As it was represented that the bill did not take account of all the changes that were thought desirable by some of the members and that certain other suggestions put forward in this connection should also be examined, a committee was appointed for the purpose in July 1935. The committee consisted of four non-official presidents of District Boards and four Government officers, with my Friend the First Member of Council as Chairman. From the report of the committee which has been made available to the members of this Council in another connection, it will be seen that the committee made an exhaustive examination of the provisions of the bill, and a measure embodying the amendments made by the committee was placed before the Representative Assembly during the last Dasara Session for the consideration of its general principles. After a full discussion, the principles of the bill were accepted.

One of the important changes sought to be made by this bill relates to the utilisation of the railway cess. As the members of this House will remember, the power to levy railway cess was conferred on district boards in the years 1914, 1915 and 1917 and the cess has been imposed in all the districts except Bangalore and Hassan. But no railway projects could be undertaken in the districts of Kadur, Tumkur and Chitaldrug, and the railway cess fund in these districts has accumulated to considerable amounts. The Motor Transport Committee appointed in October 1932 recommended, among other things, that the railway cess be allowed to be utilised on a programme of new road works. The principle of using the interest on the railway cess fund for the construction and improvement of roads had already been accepted and an enabling provision had been made for the purpose by Regulation II of 1932 amending the Mysore District Boards Regulation. The utilisation of the corpus of the fund also for a similar purpose as recommended by the Motor Transport Committee was only an extension of the same principle and was approved by Government. Clause 18 of the present bill is intended to give effect to this decision.

When the principles of the measure were discussed in the Representative Assembly, some of the members pleaded for the abolition of the railway cess, but as pointed out by the Government members at the time, the retention of the cess or its abolition is not an issue raised by this bill. The cess, as stated already, has been levied for the past 15 to 20 years in several districts. Now the only question is, for what purpose the accumulated funds might be utilised in those districts where there are no remunerative railway projects within sight or where the funds are in excess of the Boards' railway obligations. There is, I believe, a consensus of opinion that the most appropriate object to which such funds could be devoted is the improvement of roads and communications and all that the present bill seeks to do is to authorise such appropriation under suitable safeguards.

The next important provisions of the bill which require notice are those relating to the audit of district fund accounts and the method of the surcharging of illegal expenditure. This part of the bill follows closely the provisions contained in Chapter XI of the City Municipalities Regulation of 1933. The objections raised to the powers proposed to be given to the Government auditor were so fully answered in the Representative Assemby that it becomes unnecessary to refer to them here.

According to the amendment to Section 54 proposed in the bill, no market, jatra or cattle show can be newly established except with the sanction of Government. This will enable Government to settle in advance the agency by which these institutions are to be managed and the manner in which the income therefrom is to be distributed, having regard to the varying circumstances of each case, thus obviating the disputes that are apt to arise on these points.

I need not refer to the other provisions of the bill which are either verbal or unimportant but they will doubtless receive due consideration at the hands of the select committee. The bill comes to this House fully threshed out and twice blessed, once by the committee referred to above and subsequently by the Representative Assembly. And for the most part it follows the accepted principles and tested phraseology of recent enactments relating to municipal bodies.

I now move that the Bill further to amend the District Boards Regulation of 1926 be read in Council.

Mr. G. CHANNAPPA.—Sir, I do not think I will be out of order if I go into the history of the bill to some extent. When the bill was first introduced in the Representative Assembly, it was opposed on the ground that the amendments did not go far enough to increase the powers of district boards and therefore it was suggested that instead of a piecemeal legislation a complete bill covering all the sections, and modelled on the Madras Local Boards Act be

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brought up. In deference to the wishes of the Assembly, it was, no doubt, referred to a committee, but I am sorry to say that the bill has not at all improved even after the committee stage. There are still provisions in this bill which are not acceptable to many of the non-official members of this House. I wish to refer only to some of the provisions instead of going through the whole amending bill. There is a clause wherein it is stated that the president or the vice-president shall enter office only after due notification by the Government. In support of this clause, it was argued that, under the present law, there was no definite provision as to when a president or a vice-president should enter office and therefore, in order to make it more definite, this provision was sought to be introduced. But I would suggest that it would be more definite if it is amended to the effect that the president or the vice-president should enter office soon after he is declared elected. Such a provision is found in the Madras Local Boards Act and I do not see why a similar provision should not be incorporated here. Of course, it is not a new procedure that we are aiming at. We are adopting many of the British Indian Acts and I request that in this case also a similar procedure may be adopted.

Then, sir, in the committee and also in the conference of presidents and vice-presidents of district boards, it was suggested that it was high time on the part of the Government to give up the practice of insisting on the district boards to send their communications to Government through the Deputy Commissioners of the concerned districts. I have taken some trouble to enquire into the procedure in the neighbouring districts of the British territory and I find that there is no such procedure adopted anywhere else. As a matter of fact, all the communications are sent to Government direct. From the report of the committee, I see that this point will be submitted to the Government for consideration. But, however, in the amending bill, provision has been made to submit the district board budget and also the administration report through the Deputy Commissioner and thereby we are compelled to accept the principle against which we are fighting all along. In addition to this, it is also stated that the budget of the district board will be sent to Government with the remarks of the Deputy Commissioner, if any. I must strongly take exception to such a provision, because it would not be in the interests of the district board or its smooth working if the Deputy Commissioners are allowed to pass remarks behind the back of the board. I therefore consider that such a provision is not at all conducive to the smooth working of the district boards. If such provisions are accepted and given statutory recognition, I do not think the Government would be in a position to consider and pass suitable orders in the matter of sending communi-

cations to Government for which the presidents or the vice-presidents have been fighting all along.

And then, sir, there is the section about delegation of powers—Section 100 (*a*). I find from the report of the committee that no reference has been made to this section at all. However, I am of opinion that there should be no delegation of powers at all to anybody.

The FIRST MEMBER (Rajamantra-pravina S. P. Rajagopalachari).—You are asking for it !

Mr. G. CHANNAPPA.—I am completely against any such provision enabling the powers of Government being entrusted to any officer of Government individually.

Then, there are certain provisions which would certainly encroach upon the rights of the district boards and also would go to the reduction of their income. For instance, it has been sought to be introduced in this amending bill that the village panchayats should be given the power to establish shandies. That means evidently that the income of the district boards will be taken away. The district boards have already suffered much. With the establishment of the village panchayats, a large portion of the income of district boards has been taken away, and probably the transfer of toll-gates also would result in reducing the income of these bodies. And in addition to these, if the establishment of shandies by village panchayats is also conceded, I am afraid, the district boards would further lose their income, without any corresponding reduction in their liabilities. The liabilities which the district boards had committed themselves to in the past, will, as a matter of fact, continue. The village panchayats are not made responsible for making any contribution for the establishment of local fund dispensaries. Without taking away corresponding responsibilities, an attempt has been made to reduce the income of the district boards. I submit that such a position would put a very heavy burden on the district boards.

Then again, in some of the provisions it had been said that certain resolutions should be passed by one half of the members of the district boards. After the bill was referred to the committee, they have added that there should be sanction of Government also. As a matter of fact, in the original bill it was merely stated that only with the consent of half the members of the district boards any resolution could be passed and action taken upon it.

Mr. N. MADHAVA RAU.—May I know which clause the member is referring to ?

Mr. G. CHANNAPPA.—Entertainments, etc. As a matter of fact, if there is to be the sanction of Government, I do not see why there should be any resolution passed by half the members of the district board. If they ought to be sanctioned by the Government, they may be left to the ordinary majority of the district boards.

Mr. S. P. RAJAGOPALACHARI.—It was mentioned at the time of the meeting

last time that this was a misprint, and that the words "with the sanction of Government" crept in by oversight. So, it is not a change. I explained this to the members then alone.

Mr. G. CHANNAPPA.—My point is that, if there should be government sanction, it is not necessary to say that it must be passed by half the members of the district board.

Then, objection was taken for certain items of expenditure under election charges. No doubt the committee have omitted certain clauses, but there is the omnibus clause that the Deputy Commissioner will assess all charges of election and it shall be final. I do not see any improvement in the clause. In the committee, as a matter of fact, the point was raised that the burden may be thrown on the district boards for expenses which are not now met by them at all. On account of that, two clauses found in the original bill have been omitted. But at the same time, we see this provision now. I do not think such a state of affairs is really any improvement over the draft bill. Better we know what the election charges are. As a matter of fact, I am of opinion that election charges should be met out of State funds.

Then, the recent Order of Government regarding the provincialisation of services has certainly taken away much of the powers of the district boards. As a matter of fact, the same Government Order which was referred to by Mr. Subbarama Chetty says that district boards cannot make any appointments. That is due to the fact that there is no statutory provision in the Regulation for district boards exercising any such powers. At a time when an attempt is being made to provincialise services, the other privileges given to Government servants are not provided for in this Regulation, *e.g.*, house-building advances to district board employees. It is said that the district boards should meet the advances themselves. I do not consider it a right thing for the district boards to come forward and to advance moneys to persons who are now classed as provincial officials. When even municipal employees are entitled to get advances from the Government, I do not see what sin the employees of the district boards have committed, and especially when you say that these officials also are provincial officials and are liable to be transferred from one department to another, it is not at all right that the district boards should be made liable to meet these advances. And I think that most of the district boards will not be able to meet any such demand. The practical concession which is sought to be given under this amending bill is not really a concession at all. This clause requires to be revised.

Then, sir, another point also was raised in the committee, and that was to raise the elected strength of the district boards. Of course, in the committee's report I find that this matter will be considered by the Government

when passing orders on their communi cations calling for the views of the Presi dents *re* : reduction of the strength of the various boards. Government have now passed orders on the same and I do not see it has improved in any way the posi tion of the district boards. As a matter of fact the Municipal Regulation, on which this bill is based, has certainly raised the elected strength to three-fourth but no such provision has been made in the amending bill; nor have the Government themselves considered this and passed orders. Even in clauses relating to surcharge and other things, I consider the words used are wide enough which may lead to many complications I am of opinion that the provisions of the bill will whittle down the powers of the district boards and there are no clauses which will go to the enlargemen of the scope and powers of these bodies Therefore I am afraid that so long as these provisions are retained, this bill should not receive the consent of at leas the non-official members of this House

Mr. H. B. GUNDAPPA.—Sir, while considering this amending bill, it might be remembered that the work turned out by the non-official presidents of the district boards was being attended to by the Deputy Commissioners. Now our point is that when the Deputy Com missioners were functioning with these powers, the Government had direct dealings with them and when the non officials came in, the very Deputy Com missioners who were once doing this work were empowered to exercise control over the work of the non-officia presidents who are expected to turn out the same work that they them selves were doing. We expected by this amending bill that there would be some more privileges given to the dis trict boards, but when we turn the pages of the bill, we do not come across a single instance wherein their powers have been extended or added to, with the result that we have not gone one whit further. On the other hand, there are clauses which take away some of the existing privileges of the district boards when all along we have been asking for more privileges. My Friend Mr. Channappa has referred to some of them in his speech. For instance, when all the district boards are handi capped for want of finances, the village panchayats are introduced to have their share. I have no quarrel with the village panchayats as such. But when an attempt is made to take away a portion of the realisations that are accruing to the district boards and given over to village panchayats, naturally self-interest re quires that the district board finances must somehow or other improve and any attempt on their resources should be objected to. In fact, I feel that so far as village panchayats are concerned, they have got their own independent existence just like any other local bodies, but to improve their resources, I cannot understand why the resources of the district boards should be crippled. By all means, let them find their resources

in some other ways, but what I think is that simply because village panchayats happen to be under the control of the revenue authorities, and district boards happen to be independent, some preference is being shown to the panchayats. Formerly, district boards were doing the village panchayat work and they were getting rural mohatarfa to the extent of about Rs. 30,000 each. With the expectation of getting so much annual income, the district boards committed themselves to some expenditure, but when in 1927 the village panchayats came into existence, that item of revenue was taken away with the result that the finances of district boards suffered heavy losses. Again, the district boards who once had entire control over the starting of shandies, have now to share it with village panchayats. If this provision is given effect to, I could straightway say that the shandy income of the district boards would be reduced terribly and they would be at their wits end to find out other sources to meet their recurring expenditure. This would result in district boards being disabled from doing any development work. It is from this financial point of view that I take objection to this sharing of finances by the village panchayats.

Again, so far as the other privileges of the district boards are concerned, I would say that even the ordinary power of the district board to reappropriate expenditure from one head to another has been taken away. According to the amending bill, if there should be any appropriation from one head to another, Government sanction should be obtained. But under the existing Regulation, the district board could have done so without any such sanction. Once the budget is sanctioned by Government, if we have to obtain their sanction just to appropriate from one head to another, you can very well imagine what sort of privileges the district boards are allowed to enjoy. District Boards, being local bodies, know which expenditure is very necessary and if they want to make any appropriation from one head to another why should they obtain the sanction of Government ? Is it such an important thing as to receive the attention of Government and in the meanwhile all the work should get stuck up ? Is it in the interests of practical working ? Is it expedient to have such a provision ? It is in such small things that privileges are taken away from the district boards.

Mr. N. MADHAVA RAU.—May I know to which clauset he member is referring ?

Mr. H. B. GUNDAPPA.—Present Section 78 [Old Section 76 (4].

Mr. N. MADHAVA RAU.—What exactly is the difficulty there ?

Mr. H. B. GUNDAPPA.—Even for appropriations from one head to another, sanction of Government is necessary.

Mr. S. P. RAJAGOPALACHARI.—Not in all cases.

Mr. H. B. GUNDAPPA.—Formerly there was no restriction. That is my contention.

Mr. S. P. RAJAGOPALACHARI.—Formerly all were going to Government. They are now confined to a few.

Mr. H. B. GUNDAPPA.—There is nothing in the Regulation to show that appropriations should have the sanction of Government.

Mr. S. P. RAJAGOPALACHARI.—Any modifications in the budget or big reappropriations are being sent to Government for sanction, even now.

Mr. N. MADHAVA RAU.—This is merely consequential on what has gone before.

Mr. H. B. GUNDAPPA.—It was not necessary. Hitherto, district boards were exercising these powers. I do not know what reasons prompted Government to amend this section.

And again, so far as charge is concerned, there are some new sections introduced. According to Section 79 (D) (2)" the Deputy Commissioner may, on the report of the auditor or on his own motion pass an order charging any person responsible for the amount of any deficiency or loss incurred by the negligence or mis conduct of that person.' My point is this. We were all the while requesting the Government that the district boards should have as little to do with the Deputy Commissioners of districts as possible. When we are asking for such a privilege, this section is introduced.

Mr. PRESIDENT.—Why do you say that you should have as little to do with the Deputy Commissioners as possible? Should it not be your aim to co-operate with the Deputy Commissioners?

Mr. H. B. GUNDAPPA.—We would be the first to co-operate with the Deputy Commissioners. But co-operation with Deputy Commissioners is something different. As I said in my previous remarks, this work was being done by the Deputy Commissioners once. Now there is no meaning in the Deputy Commissioners sitting in judgment over the same work which is being done by non-officials. It is that aspect of the question that I am dilating upon. It is not that we should not co-operate with the Deputy Commissioners. Instead of that, we would have very much preferred Government retaining that power. Let there be charge. We have nothing to say against it. But why should these people be introduced there in the face of our request to liberalise the working of the district boards?

Then again, delegation of powers. My object is not to touch upon the points referred to by my friend Mr. Channappa. We are all the while asking that the Government should have some control instead of asking the Deputy Commissioners to inspect our offices. There are some clauses in the bill relating to this. Our object is that this should be taken away from the hands of the Deputy Commissioners and Government should exercise those powers. Now the Deputy Commissioner is being invested with additional powers. As was pointed out by Mr. Channappa, if the district board budget has to go to

Government, it has to pass through the Deputy Commissioner and he will have to make some remarks behind the backs of the district boards. When we want to liberalise the working of the district boards, why should there be any official checks? Has there been any difficulty felt so far for want of such a section? If an amending bill has to be brought in it must be to remedy any defect in the actual working or it must be with the object of liberalising the existing practice. So far as remedy is concerned, I do not see any occasion wherein any difficulty was felt either by district boards or by the Government or anybody concerned in the administration of district boards. Under such circumstances, what was the need for introducing these sections?

Again there are other amendments. I am sure these can be remedied easily. For instance, according to the amending bill, a portion of the cess may be utilised for improvement but not for the maintenance of roads. Supposing there are some roads newly opened. Where should the maintenance charge come from? If the cess is allowed to be utilised for maintenance purposes also, it would be according to the spirit of the modification made in the District Boards Regulation and I think it is desirable that instead of restricting the utilisation of the cess for purposes of improvements, it may be utilised for maintenance of roads as well. As I said, there is not one liberalising provision in the amending bill in favour of district boards. On the other hand, there is a definite attempt made to take away all its important privileges and stultify the whole thing. Why should there be any such amending bill at all? Was there any demand for such modification of powers? There was no hurry on the part of the select committee to expedite its report. It could have waited for some time more. It looks as though the whole thing has been stampeded. There was not sufficient time for members to revise their views or even to sign the report. What was the mortal hurry about it? Was there any demand for such amendments? When we were clamouring for more privileges, no such problems are touched. On the other hand, existing privileges have been taken away from the district boards. Are we to take it that the amending bill is going to democratise the working of these local bodies? None of these questions will be answered by this amending bill. We are really sorry that when in British India and other places more powers are given to local bodies, we in Mysore are trying to go back on what we once got in a generous mood of the Government. It is to that we take exception and we say that it is not at all conducive to the working of local bodies. With these observations, I oppose the bill.

Khan Bahadur MAHOMED ABBAS KHAN.—Sir, I have not been able to follow some of the arguments advanced by the previous speakers. It was said that certain privileges which district

boards have been enjoying would betaken away by the present amending bill. I do not know what exactly is the meaning that they attach to the word 'privileges' in respect of local self-governing institutions like district boards. 'Privileges' does not mean that there ought not to be any scrutiny, any supervision, that nobody should ask the local self-governing authorities concerned to account for their action and for their expenditure and that their accounts should not be kept in a prescribed form. But it means that there ought to be adequate safeguards for their advancement and development. And development of those institutions can only take place so long as there are proper safeguards and scrutiny. Under the guise of 'privilege', if they do not want any scrutiny or supervision to be exercised over them, I wish to know how efficiency in their work could be ensured. For instance, one member said that cases of appropriation from one head to another should not be reported to Government for sanction. But he must remember that even in Government departments if any appropriation is to be made from one major head of the budget to another it has to receive the sanction of the Legislative Council. For all institutions there must be a set of rules to guide their actions. The district boards are dealing with public money.

Mr. G. CHANNAPPA.—They are also public bodies.

Mr. MAHOMED ABBAS KHAN.—Over them there must be an authority. Objection was taken to Section 100-A, that Government ought not to delegate its powers under the Regulation to any officer subordinate to it. How could that be? You want to restrict or fetter the hands of Government, that they ought not to interfere and that they ought not to delegate their powers.

Mr. B. S. PUTTASWAMI.—I did not think anybody said that local bodies ought to be completely independent of Government.

Mr. G. CHANNAPPA.—You have not understood me or the section. I will make the position clear, if required.

Mr. MAHOMED ABBAS KHAN.—The section says that Government may delegate all or any of its powers under the Regulation to any officer subordinate to it. Objection has been taken that this clause should not have been incorporated. But I may tell my friends that a similar provision in the Municipal Regulation exists. Section 217 of that Regulation says that the Government may delegate its powers to any officer—to the Deputy Commissioner or any other officer, subordinate to it to exercise certain functions. The principle underlying such a provision is that there must be some safeguards in the interest of the development of the institutions themselves. If my Friends go through Chapter XII of the Municipal Regulation, they will see there that a Deputy Commissioner is invested with powers to inspect offices, call for accounts and do several things,—all with the

Then, about communication to Government through the Deputy Commissioner, objection was taken by some members. I must say that after all it is not a big matter. It is a routine affair. The Deputy Commissioner, being a revenue officer, must be in touch with all things that are taking place in the district. He must be kept aware of what transpires between the district board and the Government.

Mr. G. CHANNAPPA.—What about city municipalities ?

Mr. MAHOMED ABBAS KHAN.—They are under the direct charge of the Government.

Mr. G. CHANNAPPA.—So also district boards.

Mr. MAHOMED ABBAS KHAN.—Formerly, the Deputy Commissioner was not exercising such powers. But now, after the amendment of the Municipal Regulation, the Deputy Commissioner has power to interfere with the working of the city municipalities also.

Mr. G. CHANNAPPA.—Does the correspondence pass through him ? If not, is it necessary that correspondence by district boards should pass through Deputy Commissioners ?

Mr. MAHOMED ABBAS KHAN.—But a district is a very large area. Being a revenue officer, the Deputy Commissioner will be in a position to help the district board in the discharge of its functions if he is kept informed about the transactions. Similarly, it is necessary that the budget should also pass through the Deputy Commissioner, because the whole idea is that he must be kept in touch with the actual working of the district board. The district boards are still in an experimental stage and it is yet to be seen how efficiently they work.

Then, it is only in cases where new *jatras* or markets are to be opened, Government will have power, after consulting the district board concerned, to grant permission to village panchayats to hold them. District Boards have not therefore been ignored. They will be consulted. The section is only an enabling one. There is nothing in it which takes away the revenue of district boards. It was mentioned that district board revenues would suffer. I do not know in what respects mention about tolls was made. The Regulation has specifically mentioned that district boards would be compensated to the extent of the loss sustained by them by the transfer of tolls to the Government agency. I fail to understand how their revenues would suffer.

Then, about arranging for any public entertainment, it is specified that such arrangement can be made, provided a resolution to the effect is passed at a meeting and supported by one-half of the whole number of members of the board. I think this is a healthy rule. The object is that the will of the board must be known, not by a bare majority but by a specified number ; because such entertainment given in honour of a person must be reserved for high personages.

I understand that the presidents of as many as four district boards were members of the special committee and the report, which has appeared as an appendix to a certain interpellatiou, shows that they have given their consent for incorporating all these amendments. According to their suggestions, several sections have been altered, several have been modified, several have been deleted and the bill has now come in a form acceptable to all. Of course some members desire that more powers must be given to district boards. It is quite good to ask for more powers being conferred upon district boards. But in what respects and for what functions more powers have to be given? If a definite issue is raised on those points, probably then the Government may be pleased to grant the request and amend the law suitably. To simply say that more powers are wanted, that they do not want the Deputy Commissioner to interfere with the working of the district boards, those arguments do not appeal, and they are not tenable. It is better that specific proposals are brought before Government for their consideration. The bill was placed before the Representative Assembly at its session held in June 1935 for an expression of their opinion. Members of the Assembly desired that a comprehensive amending bill giving effect to their observations be brought later and that a special committee be appointed to go into all the questions raised. The Government in deference to their wishes referred the matter to a committee. The present bill is the result of that committee's deliberations. I do not know if any one of the members of the special committee have spoken on the bill. I expected that they would give their support. I support the bill.

*Mr. H. SIDDAIYA.—I do not agree with my friend Mr. H. B. Gundappa and those supporting him in opposing the bill altogether. Because some new and desirable provisions have been introduced in the present bill; some sections have been substituted for certain existing sections and some sections are modified. There is not much difficulty about some of these. For example, in Section 65, it has been provided that any funds granted to the district board by the Government or any person or local authority for any specified purpose shall be applied exclusively for such purpose. There can be no objection, I think, on the part of any district board to this provision. Such safeguards are absolutely necessary. We must agree to that. After all they are in the interest of the proper working of the district boards themselves.

Then, Section 78 lays down that a certain minimum balance should be kept by each district board. The district boards must agree to such a provision, because it is in their own interest.

But, unfortunately there are some undesirable sections. It is rather very strange and curious that although there were as many as four district board presidents as members of the special

ommittee, they did not write any lissenting minutes on those points. Those sections take away some of the powers and privileges enjoyed by presilents and vice-presidents of district boards. For instance, take section 23. The existing section enables the president to enter upon his duties the moment he s declared elected by the board. So also in the case of vice-president. But, according to the substituting section, till the notification by Government of his election or appointment, he cannot take charge of his office. I do not see any need for such a section, because the president or the vice-president will be elected by a responsible district board electorate, consisting of not less than 2,000 responsible persons in the district.

Then, in that very section there is another objectionable clause which is not to be found in the existing Regulation. There are the words "if he is unable to pay his debts". On that ground, the president or the vice-president may be removed from his office at any time. The explanation given in the section is not exhaustive. If it had been said "if the president or the vice-president is arrested as a result of execution of a decree....." that would have been better. Even the word 'arrest' in the explanation can safely be omitted. Because, it is very easy in some cases—it is within the knowledge of some of us—to obtain an *ex parte* decree without the knowledge of the defendant and without his knowledge an execution also may be brought and he may be arrested immediately and taken to Court. In such cases it will be a great hardship upon such presidents or vice-presidents. I would therefore like that the words "arrest or imprisonment" be omitted.

Then, under the existing Regulation, a vacancy in the office of a president or vice-president is said to occur by death, resignation, removal or misconduct. But now, instead of the word 'misconduct', you propose to have 'otherwise.' This term is so indefinite that it may include any reason which is unknown to the Board or to the person who will be a victim at the hands of the Government. The existing word 'misconduct' is itself quite sufficient and the substituting word 'otherwise' may be deleted.

I next come to section 54-A. The present Regulation gives ample power to the district board with the approval of the Government to levy fresh taxes on markets, *jatras*, sandies and other fairs. But now, under the amending bill, *jatras*, fairs, etc., which are managed by muzrai and other officers authorised by the Government are exempt from the purview of the section. They are not even made to come under the control of district boards. Thereby the district boards will be deprived of their income from these *jatras* to a certain extent. That clause is not necessary.

As regards the power of reappropriation, I request the Government that a maximum may be fixed within which they can reappropriate, instead of completely taking away the power of reappropriation.

Next, the status of presidents and vice-presidents of district boards is also reduced to a considerable extent. Because, you will be pleased to see that according to Section 79-B, the president or the vice-president may be required to appear before the Government Auditor who may be an official with a monthly salary of say Rs. 60. Such an official may ask them to appear before him and give explanations. The words in sub-clause (*b*) are "require any person accountable for, or having the custody or control of..... " It is the president and the vice-president who have control of the documents. When all along they have been fighting that their status must be raised to that of the Deputy Commissioner, the present bill reduces their status to the position of an ordinary clerk, which is unthinkable. Of course, if any misappropriation is detected, he is to be responsible for it. But why should he appear before the auditor and give explanation to him ?

I can say that there can be no two opinions that some of the aforestated sections should be omitted. No doubt, certain safeguards for the development of the institutions have been provided. But at the same time some objectionable clauses have been introduced, which, I hope, will be suitably modified by the select committee.

*Mr. J. MAHOMED IMAM.—It must be admitted that this bill has got many points to the advantage of district boards though there are some matters which are controversial. That is but usual. We must consider whether the bill on the whole works to the advantage of the district boards. If it is to their advantage, then we must give our support. In my opinion, this bill is on the whole an improvement on the existing Regulation. As mentioned in the opening speech of the Member introducing the bill, the provision regarding utilisation of railway cess for construction of new roads is necessary. It is to be welcomed. Because, as it is, all the district boards have been incapacitated for constructing any new roads. I do not think ever since the privilege was conferred on non-officials in the matter of district board administration, any new road has been laid out by them.

Mr. H. B. GUNDAPPA.—There are several.

Mr. J. MAHOMED IMAM.—I do not know of any. No big district fund roads have been opened. I know that two or three proposals have been submitted to Government. But they have not been sanctioned by Government. I do not know when sanction will be accorded. I do not know whether at all they would be sanctioned.

Mr. N. MADHAVA RAU.—They have just been sanctioned.

Mr. J. MAHOMED IMAM—I do not know. Apart from that, the district boards have been very much handicapped for want of funds for improvement of roads as they have got other commitments. If they have to improve their roads and open new roads, they require funds. Since they cannot think of taxation, the only alternative is to utilise railway cess funds. Two years ago, upon representation by district boards, the Government permitted them to utilise the annual income by way of interest on railway cess for the improvement of their roads. Now, the proposal is to utilise not only the annual income but also the collections of every year as well as the corpus. In that case, there will be considerable improvement of their finances. It may be argued by some persons that railway cess is being collected solely with the object of spending it on opening railway communications. It may also be argued by some others that there is no need to collect railway cess as no railway communications have been opened and so the levy of the cess may be abolished. I do not approve of both the suggestions. Because, in the first place, railway cess is being paid by every raiyat and it is being collected in every village. It must be considered which is more important to the raiyat: whether opening out railway communications or opening out roads. If the amount is spent on opening railway communications, only a very few people can be benefited because communications to only few places can be provided. Even though we spend as much as Rs. 30 lakhs, only about 30 miles of railway can be opened. On the other hand if the same amount is spent on opening roads, nearly 300 miles can be opened. Every person paying railway cess expects something in return. So, utilisation of railway cess on roads is better spent. In fact it results in the greatest good for the largest number of people. Hence, all of us should support the provision for the utilisation of railway cess for road purposes. At present, there is no need for railways at all since buses have taken the place of railways. Secondly, I do not approve of the abolition of the railway cess. Because what each of us pay by way of railway cess is very small. We pay 3 pies or 6 pies each. The amount collected is something like a "Pie Fund" as it is called in America. And whatever is paid will be spent for the benefit of the raiyats. So there is no logic in asking for the abolition of the cess. I thank the Government for the permission they have given to utilise the cess for road purposes.

There are some other clauses which are quite welcome. For example, the restriction placed on presidents and vice-presidents, that they are liable to be removed from office in case they contracted debts, is a justifiable one. Because, holding responsible positions, they handle thousands of rupees and it is quite necessary that they are to be above temptation. Mr. Siddaiya was

rather reluctant to admit this provision as a good one. In fact the section provides that only when the president or the vice-president is arrested or declared an insolvent, he is liable to be removed. We do not want our presidents and vice-presidents to be insolvent.

A good deal has been said about the proposed association of village panchayats with district boards. I cannot agree with the Government in regard to the provision made respecting this. By introducing this provision you are trying to hand over the income of district boards to village panchayats. In the interest of village panchayats themselves, I am not in favour of this proposition. Firstly, you will be creating a sort of dual Government. The district board may try to establish a market or a shandy at a certain place and the village panchayat also may want to establish a shandy at the same place. Which body should take the initiative, is the question. You will be creating a sort of conflict between these two institutions. Secondly, if the village panchayat is given the privilege to hold a shandy at the place, it may stand to lose the sympathy of the district board. Because, once the revenue from the market or shandy goes to the village panchayat, the district board may not care to help the panchayat in other ways. Whenever a village panchayat asks for any finance from the district board, the latter may say : " We are not concerned with you. You have got your own sources of income and you had better make use of those sources. Do not approach us." This policy should be adopted only when panchayats become self-supporting units like municipalities. A minor municipality which is vested with the administration of a market may be empowered to receive the income of the market. It does not depend upon the district board for its finances, being itself a self-supporting unit. But that is not the case with a village panchayat. It has to depend upon district board for various things, such as sanitation, vaccination, well-works, etc. It cannot get on without the help of the district board. If you introduce this measure, and make the village panchayat a partner in the collection of market income, the district board may not care to help that panchayat and therefore it would be a suicidal policy that you would be introducing. I submit that the present policy of entrusting the whole thing to the district board is very much better, in which case the entire responsibility of managing the panchayat will fall upon the district board.

Then, a good deal also has been said about the proposed supervision by the Deputy Commissioner over the district board. There is good reason in what my friends have stated against vesting the Deputy Commissioner with that power of supervision. It may often happen that the Deputy Commissioner and the President may not be in good terms and that may lead to a conflict. I have no

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objection to budgets and other things being sent through the Deputy Commissioner, because he will give his own opinion also, being an officer in touch with local conditions. But you are giving the Deputy Commissioner one important power of surcharging. The Deputy Commissioner is the sole authority and if he finds that any funds have been misapplied or mismanaged or wasted away, then he can surcharge the president and the vice-president. It would have been much better if this power had been retained by Government or entrusted to a provincial officer but not to the Deputy Commissioner. And what is more, there is no appeal against the orders of the Deputy Commissioner. The aggrieved party has to seek remedy only in a civil court. He cannot approach the Revenue Commissioner or the Government and get the order of the Deputy Commissioner reversed if he is really not guilty. So, the executive order of the Deputy Commissioner surcharging the president or the vice-president is final and the president or the vice-president has to go only to a civil court for a remedy. I request the Government that they may take this power of surcharging.

Mr. S. P. RAJAGOPALACHARI.—I would refer the hon. Member to clause 79 E where it is stated :

> " Or in lieu of such application the person so aggrieved may, within the like period, appeal to the Government who shall pass such orders as it thinks fit."

Mr. J. MAHOMED IMAM.—Yes, I see it now. But one thing. Since this is an important power, which is to be exercised on presidents and vice-presidents who are entrusted with very responsible duties, it is better if it is entrusted to a higher officer than the Deputy Commissioner.

Next, the liability of the president has been very much increased under the new bill. Formerly he was liable only for misapplication of funds. Now you have added the words 'loss or waste.' These are very broad terms. I am afraid every president will become nervous to handle the district board affairs under such conditions. Supposing a clerk embezzles and runs away with some cash. According to this provision, the president or the vice-president will have to make good the amount. Loss or waste has not been defined. So I request that these words be deleted. Misapplication would have been quite enough. If there is any negligence on the part of the president and he intentionally and negligently misapplies funds, then it is but justifiable that he must be asked to make good the amount. But where the loss is due to some accident or mistake of some official, if the president is asked to make good, no district board president can work confidently. Where is the justice in asking the president or the vice-president to make good ? I request the Government to consider this aspect of the question.

As regards power given to the Government auditor to require the president or the vice-president to appear before him and give explanation, as submitted by my hon. Friends, it will be humiliating for them to appear before the auditor. An ordinary auditor may ask him to appear before him as if he is a court. You must therefore fix the rank of the auditor as being that of Assistant Comptroller or Comptroller.

Mr. S. P. RAJAGOPALACHARI.—Auditor means one in the Assistant Comptroller's grade or status. There is a local fund Auditor who is an Assistant Comptroller. Of course, the detailed work of inspection is done by one of the accountants. But the officer responsible is the Assistant Comptroller in charge of audit.

Mr. H. SIDDAIYA.—The present practice is that some auditor on Rs. 60 pay is sent.

Mr. N. MADHAVA RAU.—Please see section 79A. The district fund accounts shall be audited by an auditor appointed by Government. The Rs. 60 clerk or accountant only assists the auditor.

Mr. D. H. CHANDRASEKHARAIYA.—Why should the president or the vice-president appear before the Assistant Comptroller ?

Mr. N. MADHAVA RAU.—It may become necessary in certain cases.

Mr. J. MAHOMED IMAM.—Next, another thing is regarding the finances of district boards. Till now election exıses were being borne by Government. yhow, there is no provision under the ısent Regulation that the election ɔenses should be borne by the district ard concerned. But, according to the ending bill, there is a specific clause the effect that the expenses should borne by the district board concerned. at point requires to be considered. me of these points may be considered l the provisions suitably modified. I ɔport the bill in respect of some provins and oppose the other provisions.

Mr. N. MADHAVA RAU.—As I said ore, this measure has been fully eshed out both in the committee, on ich two of the non-official members this Council sat, and also in the Reıentative Assembly, and all the points w raised were very carefully considered the special committee and in the lier stages when the bill was drafted. o not find that any new objection has en raised or that there is any objection ich has not been very fully answered the earlier stages. The main comint seems to be that this bill has not eralised the constitution of district ards. But it does not purport to be a t of *Magna Carta* for district boards. s a business measure intended to bring law relating to district boards into e with that adopted for other local lies. In essentials, the law relating to al self-Government is to be more or s the same, irrespective of the partiar bodies to which it applied. In nection with the three Regulations ating to the municipalities, the best

and soundest practice to follow in connection with local self-Government having regard to our local conditions was very fully gone into and those Regulations represented the result of close study and long deliberation. The Regulations were passed only 2 or 2½ years ago. If we once bear in mind that this bill is not a sort of *Magna Carta* but is only intended to systematise things where system is needed, to fill in blanks, and generally to bring the law relating to local bodies into line with what has been accepted by both this Council and the Government and then examine the provisions in the light of that background, there is hardly anything to which exception could be taken. Not that I say that every provision in the bill as it stands is the last word of wisdom on the subject. Some provisions are susceptible, probably, of improvement, here and there. But, on the whole, there is nothing new that this bill seeks to introduce. With regard to detailed criticisms, I need not cover the entire ground.....

Mr. D. V. GUNDAPPA.—Sir, on a point of information, is the Member closing up the debate ?

Mr. N. MADHAVA RAU.—I would be glad to.

Mr. PRESIDENT.—I was hoping so.

Mr. K. T. BHASHYAM AIYANGAR.—The suggestion is that other criticisms may also be heard.

Mr. PRESIDENT.—Anyhow, I hope it will at least shorten the other speeches.

Mr. N. MADHAVA RAU.—Sir, such objections as have been raised seem to indicate some sort of unconscious distrust or antogonism to four different authorities, *viz.*, the village panchayat, the Deputy Commissioner, the Government Auditor and, to a mild degree perhaps, the Government itself.

With regard to village panchayats, the complaint seems to be that they began to set up as rivals of district boards for the shandy collections and other items of revenue and that they are backed up in this claim by revenue officers. The idea of proposing the section dealing with shandies is not to relieve the district boards of their duties or take away their privileges, whatever they may be, in connection with public and other markets but rather to define the field of the duties of the two sets of local bodies so that they might not come into conflict. It is not intended that whenever a village panchayat applies for permission to open a shandy, the permission would be given immediately together with a share of the proceeds. That is not the idea at all. The idea is to settle in advance what is the agency which is to run a proposed shandy or *jatra* and also, if there is any need to divide the income to settle the proportions in advance. I do not see there is anything to object to in these provisions.

Mr. H. B. GUNDAPPA.—Has not the Revenue Commissioner recommended to Government that one-fourth of the realisation from the shandies should be given to all village panchayats ?

Mr. N. MADHAVA RAU.—Yes. But here we are speaking of new shandies. The provision says that no shandy shall be newly established. Not only the Revenue Commissioner but also some of the District Boards have recommended that a certain percentage should be allotted to panchayats. The Kolar District Board, for instance, recommended at one time that two-thirds of the collections from shandies may be given to the village panchayats concerned. I do not know who the President of that Board was at that time. But he must have been a very generous-minded man. Even the present distribution is intended to be as equitable as possible, having regard to the respective resources of district boards on the one hand and of the village panchayats on the other. It is not the idea of the Government in introducing the section to make any sweeping changes nor to give any new sources of income to a village panchayat at the expense of the district board.

Some members urged that village panchayats, even when they were constituted, counted for the loss of the whole of the mohatarfa income which the district boards had enjoyed before. May I remind those gentlemen that in other provinces village panchayats that have been established have been given not only the right to tax houses but also a portion of the local cess?

Mr. G. CHANNAPPA.—The burden also is reduced proportionately.

Mr. N. MADHAVA RAU.—Anyhow, that is not an issue that arises at all from this very business like bill. It does not go into the fundamental principles of local self-Government. It simply deals with remedying certain defects which have become patent and effecting certain improvements which previous experience has shown ought to be adopted.

Next, the intervention of the Deputy Commissioner in connection with the submission of communications to Government has been objected to. I do not see how direct communication between presidents of district boards and secretaries to Government would facilitate matters. As a rule, from the short experience that I have had in this Chair, I find that communications from district boards are not delayed by Deputy Commissioners and whenever they append their remarks they are generally very helpful. After all, the Deputy Commissioner is the head of the district and there is no harm in communications being sent through him. I think both the district board and the Government stand to gain by the continuance of the present practice. Anyhow, that again need not come as an issue in connection with this bill.

Another objection raised is about the budget being sent through the Deputy Commissioner. Well, the same remarks apply in even greater measure to that objection also.

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But the greatest bugbear is, I think, in connection with the proposal for surcharging by the Deputy Commissioner. As my Friend, the hon. the First Member pointed out, there is an alternative remedy. When a surcharge is made it is open to the person concerned either to approach the civil court if he thinks he can get justice there or if he feels that he has more chances of getting justice by persuading Government he can go before Government. There is nothing to prevent him from doing that. And once again I would remind the members of this House that there is nothing new introduced here. The very same provision exists in the City Municipalities Regulation. Every one of these provisions is taken *ipssima verba* as Mr. Hayavadana Rao would say, from the Municipalities Regulation.

Then, some objection was taken to the provision that a district board shall by a resolution passed at a meeting and supported by one-half of the whole number of members of the board, and with the previous sanction of the Government, arrange for any public reception. Even here, there is nothing new. The very same provision exists in the City Municipalities Regulation.

Mr. H. B. GUNDAPPA.—But this provision is not to the satisfaction of district boards.

Mr. N. MADHAVA RAU.—But, in connection with municipal law, members of this Council and the Select Committee—a very strong committee—went into this very question at great length. What we are now doing is simply to make the law relating to district boards and other local bodies uniform to the extent considered desirable without at the same time making a bogey of uniformity. The first draft of this bill was four times the length of this bill. But a good deal of it was cut out by my Friend the First Member because it was felt that only essential changes should be made and that it was not worth while copying the sections of another Regulation for the sake of verbal uniformity.

Next, with regard to objection taken to the provision empowering a Government auditor to call for the production of documents, etc., I do not know if some of the members have forgotten the very lucid explanation given as to the intent of these sections when the matter was discussed in the Representative Assembly. It was then made clear that the Government Auditor must from the very nature of the case be an officer of some status, that he will not be a clerk in the Comprtoller's Office but that he will be a gazetted officer. And then, his right to call for documents and require the presence of the persons concerned is limited by the fact that he can call for only those persons who are in possession of the documents. It would rarely happen that a president or vice-president of any local body would carry papers about with him. Those documents are entrusted in the ordinary

course of business to the senior official in the office, for instance the manager, who is in charge of papers. It may occasionally happen that he himself may carry the papers—it is quite possible—in which event the section may have to be invoked requiring the president to produce the documents. But nobody need fear that the section might be used in a way that may cause indignity to any non-official gentleman. And the very fact that a similar section has been standing for the past two years or so in the Municipalities Regulation is proof of the fact that no one is likely to use it in an unreasonable manner.

With regard to appropriation and re-appropriation of budget grants, I think Mr. H. B. Gundappa drew rather an unfavourable picture of the future in contrast with the present. I do not think that even at the moment the district boards have unlimited power of reappropriation within the budget. It is true they can exercise this power to a certain extent. But there are limitations ; they cannot, for instance, restore a grant which has been cancelled by Government. They cannot curtail.....

Mr. D. S. MALLAPPA.—Restoring is quite different from re-appropriation.

Mr. N. MADHAVA RAU.—Quite so. And the new section proposed does not come in the way of any re-appropriation. It only requires safeguards in respect of certain payments of more or less an obligatory character, *viz.*, payment of interest and instalments of loans, and it also says that a certain minimum balance shall be maintained. That is the one financial control that Government have got to keep. Barring that, if sufficient provision has been made for repayment of loans and if the minimum balance is not reduced below the level prescribed for safety, there is nothing to prevent a district board from making re-appropriation. On the other hand, the spirit of the provision is that even as regards the budget, the Government would normally confine their attention to these considerations. So, instead of its being a restrictive provision, I am confident that on further examination Mr. H. B. Gundappa will agree that it is a liberalising provision.

The other detailed provisions to which objection has been taken could also be shown similarly to be in the interest of district boards. But the time is limited and there are other speakers. I should therefore like to conclude with the assurance that the provisions of this measure are not meant to be pin-pricks to non-officials. It is not in that spirit that the bill is brought in, but to make the Regulation up-to-date and as useful as possible.

***Mr. H. C. DASAPPA.**—Sir, I would not have risen to speak but for the very valiant support the bill has received from my hon.friend *Khan Bahadur* Mahomed Abbas Khan. I would have no objection whatever for any hon. Member quoting the words of other members. But I think you will permit

me to lay a protest if anybody tries to misquote. I do not think that, in all the speeches that we have listened to-day against the measure, anybody stated that the Government should not make adequate provision for the control and supervision of the finances of a local body. In fact, every one of them has agreed that there must be provisions necessary to safeguard the finances of the district board and for the adequate auditing and control of the same. But the only question that arose was in regard to the procedure laid down for securing that safeguard. Is it right, in the interests of the development of local self-government, that the Deputy Commissioner himself should surcharge, or any other higher officer? Nobody expected that this amending bill would be a *Magna Carta*. But surely, everybody expects that if there is an amending bill, it should have a progressive outlook and character and not one which would whittle down the powers already existing. From what I have been able to gather from the various criticisms, I can only characterise this bill on the whole, I may say, as a whittling measure, a measure which does not raise the status of non-official public life in the country but on the other hand one which seeks to impress upon them a kind of distrust as regards their capacity to manage and their fitness for working these non-official institutions. It is stated that the idea of introducing this bill is to bring the law relating to district boards into line with that relating to other local bodies, as for instance the City and Town Municipalities Regulations. May I point out that in many respects it does not try to fall in line but that, on the other hand, it seems to be more retrograde in character?

Mr. N. MADHAVA RAU.—For instance?

Mr. H. C. DASAPPA.—I am just going to show. I am not going to say that I am enamoured of the City Municipalities Regulation. You may remember that I took 3 days for my amendments, not one of which, I believe, was accepted by this House, and every one of those amendments was to liberalise the existing provisions.

Mr. PRESIDENT.—The fact that they were not accepted by the House shows .....?

Mr. H. C. DASAPPA.—....shows that the reactionary elements in this House, which are certainly preponderating under the present constitution, had their way and the other liberalising forces had no chance. Let me take the question of notification, for instance. Do we find the provision now introduced about notification, in the City Municipalityies Regulation? If we do not, why do you include it in the District Boards Regulation? I suppose the hon. the Second Member will admit that in respect of that point, this bill is retrograde in charactor We know sometimes what time is taken before the notification is issued. It takes a long time, and is it right that the president should be kept

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waiting to assume his office for the notification to issue ?

Then again, as regards having all correspondence including the budget and the administration report to pass through the Deputy Commissioner, I again ask the hon. the Second Member whether such a procedure is laid down anywhere in the City Municipalities Regulation ? Do we find the same provision there ? I suppose the district boards should have at least the status of city municipalities, if not higher, because they handle quite a large amount of funds. Is it right to ask the president of district board to send his correspondence through the Deputy Commissioner ? Are we thereby trying to invite into self-governing bodies men of self-respect and men who want to improve and lend dignity to the public life of the country ? On the other hand, do we not keep out men who wish to enter the bodies to do honorary work ?

Mr. N. MADHAVA RAU.—May I invite the attention of the hon. Member to what the Committee has said in regard to the channel of communications ?

> " The question of the necessity to continue the present system of communications from the District Board being sent up to Government, through the Deputy Commissioners, was also raised, and it was agreed that this question might be raised separately as no amendment of the Regulation was necessary and that any change necessary might be made by means of a rule under the Regulation."

Mr. H. C. DASAPPA.—But here is a provision in the Regulation. I am only attacking that point which the hon. the Second Member made that the Government were trying not to affect the substantive rights of the presidents of district boards but only to lay down a certain procedure and so on and trying to fall in line with the City Municipalities Regulation, which seems to be the cream of the wisdom of the thinking people. Even there, I am saying that it is quite unnecessary that the administration report or the budget should pass through the Deputy Commissioner.

Mr. S. P. RAJAGOPALACHARI.—Only those two.

Mr. H. C. DASAPPA.—It is not fair to insist upon the president of district board to send them to Government through the Deputy Commissioner. If the Government are inclined or feel any doubts in respect of certain matters, they may be at liberty to consult the Deputy Commissioner or the Revenue Commissioner or the Amildar even. But, to call upon the president to submit the report and budget through the Deputy Commissioner is, I suppose, derogatory to a sense of self-respect and is likely to affect the relative position which he holds in the district.

Mr. B. S. PUTTASWAMY.—I may tell the hon. Member that in the Committee, the non-official members suggested that if it is necessary the Deputy Commissioner may be given a copy each of the budget and the administration report but that it should not be necessary that they should be sent to Government through him.

Mr. H. C. DASAPPA.—I am thankful to my Friend for throwing illumination on this point. I only wish he had put it down in black and white in the report. It would have saved to so many hon. Members of this House the trouble of dwelling on it. Do we think that that affair as well as the curtailing of the power with reference to opening shandies and markets—a kind of dual control—conduces to the smooth working of the district board? Or, rather, does it not give room for conflict and unnecessary wrangle over these matters? I think the very effect of the Deputy Commissioner intervening in all these stages and asking the village panchayats to open their own shandies is sure to create friction and trouble which I am afraid the learned framers of this bill did not contemplate. I see from the report that they copied this provision of empowering the village panchayats to open shandies from the Local Boards Act. But they forgot one thing and that is, while you want power to be wrested from district boards and vested in Government.....

Mr. N. MADHAVA RAU.—Even now the district boards have not got that power. No public market shall be opened by a district board without previous sanction by Government.

Mr. H. B. GUNDAPPA.—But no other body has the right of opening markets.

Mr. H. C. DASAPPA.—If you do want to give some powers, you could have followed the other principle, namely of giving district boards the privilege of supervising and controlling the village panchayats.

Mr. N. MADHAVA RAU.—I was only pointing out that no power has been taken away, because the power of opening new shandies did not exist.

Mr. H. C. DASAPPA.—Nor the village panchayats had the power to open shandies independently of district boards.

Mr. N. MADHAVA RAU—If they did, it would have been in the nature of a private shandy. But what I am saying is, there is no idea of taking away any existing power.

Mr. B. S. PUTTASWAMY.—You are setting up a competing authority.

Mr. N. MADHAVA RAU.—The village panchayat may apply and if it applied, the district board concerned will be consulted.

Mr. B. S. PUTTASWAMY.—And then give them a share of the income.

Mr. H. C. DASAPPA.—All that is likely to lead to friction. If it is merely consultation, it means nothing after all.

Then, my Friends Mr. Imam and Khan Bahadur Mahomed Abbas Khan have answered points which did not arise at all. Nobody has spoken against the utilisation of railway cess.

Mr. J. MAHOMED IMAM.—We anticipated that. (*Laughter*).

Mr. H. C. DASAPPA.—I would view this bill only from this standpoint: whether it is going to enhance the prestige of district board presidents,

whether it is going to confer more privileges on district boards, whether it is a liberalising measure, or whether totally it is not one of whittling down. Viewing from that larger stand point, I consider that it is not one which would merit the support of non-officials. If, for instance, you had brought only that provision about utilisation of railway cess and control and audit, it would have been quite a different thing. But, as it is, the bill is a measure affecting non-officials, and the non-official side of this House cannot willingly support it.

*Mr. D. V. GUNDAPPA.—My chief complaint against this bill is that it accentuates and multiplies points of conflict between the Deputy Commissioner and the President of the district board. It is very poor consolation for us to be told, as we are told by the learned mover, that this bill is meant to bring the district board law into conformity with the City Municipalities Regulation. The City Municipalities Regulation is itself a rigorous law and it is very poor consolation for us to be told that it is intended to bring the district board law into conformity and uniformity with a bad law.

I have only one remark to offer. This measure increases the risk of friction between the head of a district and the head of a district board. The institution of local self-government in our country has been in the stage of experiment all these 15 years, even in British India, and I do not think it will flinch matters if we are told that these provisions have been taken bodily from the British Indian law. In British India also things are bad, and I do not think that district boards there are for us models to copy. We have to remember what is after all a very common-place remark made nearly 15 years ago by the First Dewan of Mysore at the time when the first experiments at local self-government were thought of by Lord Ripon. It was to the effect that if a local self-government institution were to progress, it can be only by means of co-operation, very intimate and constant co-operation, between the general administration and non-official gentlemen who have to carry on the institutions of local self-government. But this bill does not provide for such willing and hearty co-operation. As between the general administration represented by the Deputy Commissioner and the general public represented by the President, there will be more opportunities of rupture hereafter than hitherto. A suspicion in the minds of non-officials has been that this measure seeks to place the district board president in a position of subordination to the head of the district. I think that is putting the matter in a nut-shell and warrants are not lacking for such a suspicion. The president has not only to send up his records and communications and budgets to Government through the Deputy Commissioner, but also to keep himself in subordination to the Deputy Commissioner in several

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matters. If those matters are looked into in the select committee, I think the measure would become less unacceptable. I shall not say that this is a piece of unmixed evil. This is only a mixed evil. I think that the punitive provisions contained in section 79 and the various sub-clauses C. F. G. and H., are all very drastic. Fear is also caused by section 100 A. about the delegation of powers by Government. It might be that the power may be delegated to an officer subordinate even to the Deputy Commissioner. This clause may usefully be qualified by the addition of the phrase such as " not inferior in rank to a Member of Council or the Head of a department."

Mr. N. MADHAVA RAU.—That point was explained already. It is not the intention to delegate the power to very subordinate officers as has been apprehended.

Mr. D. V. GUNDAPPA.—But the intention may be made explicit in the bill itself.

Mr. N. MADHAVA RAU.—The very context shows that it must be somebody fairly high in rank.

Mr. D. V. GUNDAPPA.—I have stated my case very briefly. I leave it there. If the select committee will go into these provisions which bring about the possibilities of friction between the authorities, the measure will become, I think, less unacceptable.

***Mr. K. T. BHASHYAM AIYANGAR.**—Sir, so far as surcharge is concerned, you have no doubt provided for suits in civil courts to the aggrieved parties. But you proceed at the same time to say " in lieu of such application the person so aggrieved may.....appeal to Government ". He has to choose one of the two remedies. I would suggest that it should be open to the party to appeal to the Government, and if the Government also pass orders against him it should be open to him to file a suit. Why ask him to choose one of the two remedies ?

I would also suggest that it would be all the better if the Deputy Commissioner is not made the authority to surcharge. You will find that it is necessary much more in the case of a district board than in the case of a municipality. The Deputy Commissioner and the president of a district board will have more intimate contact with each other and it should be made possible for more harmony than conflict between them. I would rather suggest, therefore that the Deputy Commissioner is not given this dagger in his hand which he can always hold up at the head of the president and surcharge him at any time.

Mr. N. MADHAVA RAU.—But subject to suit or appeal.

Mr. K. T. BHASHYAM AIYANGAR.—Even so, the Deputy Commissioner will have a weapon in his hand; how can the president be on equal terms with him which is the intention of establishing local self-government institutions. I am only suggesting that

points of conflict may as far as possible be avoided, and it would be much better if the Government had that power in their hands.

Another point which I wish to suggest is this. You are adding the words "loss or waste" in connection with the liability of every member of a district board. I no doubt find that you have got these words in the City Municipalities Regulation. But, as my Friend Mr. D. V. Gundappa suggested, it is bad enough to have those words in that Regulation and they should not be perpetuated in the District Boards Regulation. I put it this way. It is all right to say that the person concerned is liable if there is misapplication of money. But, to say that he is liable for loss or waste occasioned by some negligence, would result in scaring away members from getting into the district board. This is not the stage at all. It is all right in theory to say that everybody must take responsibility if he wants to enter into a local self-government institution. But, as a matter of fact, you cannot expect district board members to be so vigilant as to look to all the affairs. I would rather that you did not press that point at this stage. I would also say that you should not be under the idea that we are opposed to all these things. But, what we suggest is, as far as possible remove all those items which lead us to believe that you are putting us below an officer of the Government, particularly the Deputy Commissioner. You will not be any the worse for it.

Mr. S. P. RAJAGOPALACHARI.— I have spoken so often on these matters that I do not want to take much of your time. I want to refer to one or two points mentioned in the course of the discussion, especially by the last two speakers. Mr. D. V. Gundappa said that this bill tends to increase the points of friction between the president and the Deputy Commissioner. And he also said that the bill will place the president in subordination to the Deputy Commissioner. I hope I am quoting him right. (*Mr. D. V. Gundappa*: "Yes, quite right.") I took the trouble to go through the bill once again and I find that the Deputy Commissioner is referred to in three places: once with regard to the budget, that it should pass through him; in another place with regard to administration report, that it also should pass through him; and again with regard to surcharge. The Deputy Commissioner is merely a post office in both the first two cases, with the additional privilege of making certain remarks, if he only finds it necessary, and appending them to the communications sent by the district board president. (*Mr. D. V. Gundappa*: "Therein lies the sting") I do not understand how the existence of these two provisions will introduce any large points of friction between the district board president and the Deputy Commissioner. The only other point is with regard to surcharge. The Deputy

Commissioner decides the question more or less as a quasi-judicial officer and all the procedure is prescribed there. And you will find in sub-section (3) that the Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made. So, this is practically a judicial inquiry and he does it purely as a quasi-judicial officer. There is nothing to bring him into friction with the president. Supposing the president files a complaint to any magistrate on matters connected with the district board administration; we cannot say that the magistrate and the president will come into conflict with each other. There is a duty imposed upon the Deputy Commissioner by the statute and he discharges it. There is no question of any friction. Apart from that, why should the Deputy Commissioner not discuss these matters? He seems to be regarded as the counterpart of the district board president. He is certainly not that. He is the representative of the Government on the spot and he is fully in touch with all local matters. It is for that purpose that he is associated in certain very limited matters with the district board administration, which is after all a part of the whole Government of the State. He is after all the district magistrate of the district. He has got large and enormous powers under the Criminal Procedure Code. He takes action not with the intent to produce any friction between himself and the other persons concerned in all these matters but in the discharge of the duties entrusted upon him. He is the officer who is expected to take judicial action in these matters. There is no question of subordination also, simply because one report or two has to pass through him. If that is the main line of argument of the last two speakers, I can assure them that it need not stand in the way of their recording their full support to the measure.

Mr. PRESIDENT.—The question is:

"That the bill further to amend the Mysore District Boards Regulation, 1926, published under rule 8 of the rules of business be read in Council."

The motion was adopted.

(b) *Motion that the bill be referred to a Select Committee.*

Mr. N. MADHAVA RAU.—Sir, I beg to move that the bill be referred to a Select Committee consisting of:

1. Mr. K. V. Anantaraman.
2. ,, A. V. Ramanathan.
3. ,, H. V. Ramasvami.
4. ,, M. Venkatanaranappa.
5. ,, G. Channappa.
6. ,, S. C. Mallaiya.
7. ,, H. B. Gundappa.
8. *Khan Bahadur* Mahomed Abbas Khan and Myself.

Mr. M. VENKATANARANAPPA.—Sir, I beg to second the motion.

Mr. PRESIDENT.—The question is:

"That the bill further to amend the Mysore District Boards Regulation, 1926, be referred to a select committee consisting of the members referred to above."

The motion was adopted.

The House then adjourned for lunch and reassembled at 3-40 p.m.

to examine in what ways the present [illegible] Rules and Orders issued thereunder have to be amended so as to enlarge powers and resources of the District Boards and to minimise the control wielded over them by Government.

2. That the control of the Revenue Department over the Village Panchayets be transferred to the District Boards with a view to facilitate the satisfactory discharging of their obligations which are more or less identical.

4. That the District Boards be permitted to employ their own Engineering Establishments instead of the present system of getting their works executed by the Department of Public Works.

5. That the powers specified in sections 99 to 95 of the District Board Regulation vested in the Deputy Commissioners in respect of District Board Administration be removed and vested instead in a Provincial Officer not below the rank of a Departmental Head.

6. That the correspondence between the District Boards and the Government should be direct and not through the Deputy Commissioners as at present, the Deputy Commissioners being furnished with a copy of all such communications if necessary.

7. That the present system of post audit of District Board Accounts conducted annually is highly unsatisfactory and that a system of pre-audit be introduced in all the District Boards.

8. A gradation and seniority list of officials of the Local Bodies be prepared by Government and that promotions be strictly limitted according to seniority from amongst the officials in that list and the system of importing officials for promotion, vacancies from other Departments which hits the Boards' officials very hard at present, be done away with except in the case of exchange of places between the officials of the Local Bodies and those of other Departments.

9. That the Election of the Members to the District Boards to be held along with the Representative and Legislative Council Elections.

10. That in view of the very limitted and inelastic resources of the District Boards, the Government be requested to augment their funds by assigning to the District Boards (in addition to the items mentioned in section 89 of the Regulation).

1. The entire amount of the Local Cess on land, Excise and Forest revenues.

2. The statutory grant of at least Rs. 50,000/- to each Board.

3. A portion of the realisations from the Petrol Tax.

4. A portion of the Licensing fees realised from the Motor Busses, Lorries, Cars and Taxies within their respective areas.

in opening new roads and that the Education Cess be levied to t extent that the present Railway Cess is abolished.

21. That Government be requested to make special annual grants for the maintenance and upkeep of Malnad road and Buildi

22. That the annual grant allotted for each District for Drinking Water Wells out of the State Fund to be placed at the disposal of the respective District Boards for distribution.

23. That the present restrictions as regards the purposes for which the Chairmen of the School Boards have to travel be removed.

24. That an extra clerk and a peon to be given to the - School Board Offices as the work has increased since the coming into operation of the Elementary Education Regulation.

25. That the Local Education Authorities be permitted to submit partial schemes of Educational Expansion as far as their funds permit and the Government do sanction such schemes instea of requiring complete expansion schemes as provided for in the Elementary Education Regulation.

26. That the amount of grant given by the Government to t Local Education Authorities for purposes of Primary Education to be arrived at after taking into account the actual Education Cess Realisations in any year instead of the average realisatio struck on the basis of the actuals of previous years.

27. That it is very desirable to consolidate and extend the Scheme of Village Aided Schools as suggested in a recent no of the Director of Public Instruction.

28. That the restrictions imposed by Government Order No. 4007-311/Edn. 66-31-MP dated the 22nd June 1933 in regard to the checking of school building works may be removed so as to obviat dual control over works and facilitate progress.

29. That in the case of Local Education Authorities having a lar accumulated surplus of Elementary Education Funds, Government be requested to earmark at least Rs. 25,000/- for construction of School Buildings every year out of the said surplus.

30. That all correspondence between the School Board Offic and the Director or Deputy Director of Public Instruction in - matters pertaining to Primary Education should be through the - President of the Local Education Authority.

31. That the recent order of Government regarding the - appointment, promotion and transfer &c., of Sanitary Inspectors be not given effect to and that their appointment, promotion and transfer &c., be left to the Presidents of District Boards.

32. That the present control and discipline which the Pres dents of District Boards have on the Vaccinators be not disturbe

33. That the Village Panchayets be required to meet half t cost of maintaining Vaidyasalas in Rural parts.

34. That a Deputation of the Presidents of the District Boards may wait on the Government to place before and explain matters covered by the above resolutions to Government.

35. That the President of the Conference be authorised to forward the above resolutions to the Government for kind consider tion and needful action as also to the Presidents of the District Boards for such necessary action as they may deem fit.

K. C. [illegible]
President,
The Mysore District Board
Presidents' Conference.

H.E. Bill of General Principles

MR. K. CHENGALARAYA REDDY said that without entering into a discussion on the merits of the amendments placed before the House, he would like to make some preliminary observations. He said that in the month of February last there was a conference of District Board Presidents at whi various matters pertaining to the administration of distri boards had been threshed out and resolutions passed and submitted to Government for consideration. It was hoped that in view of those resolutions, the District Board Pres dents would in fairness be given an opportunity to discuss the matters referred to in the resolutions with the Govern ment either in a committee or in an informal manner. In fact, Government had promised to give such a chance to the That promise had not been fulfilled but Government had pro posed certain amendments some of which affected such impor ant questions like the utilisation of the railway cess, Collection for the construction of new roads and bridges and for improveme to existing roads in the districts. Therefore on behalf o himself and the Presidents of other District Boards he wo request the Government even now to either appoint a small committee or invite an informal conference to discuss all the matters referred to in the said resolutions and then bring up necessary amendments instead of passing piece-meal legislation which would not be very satisfactory. Ev supposing the amendments now proposed were passed, other amending bills would soon become necessary in order to giv effect to the recommendations of the conference affecting not only the District Boards Regulation, but the City and Town Municipalities Regulations also. This, he said, might be avoided by placing a comprehensive amending bill once for all before the House. Pending that, he appealed to the Go-vernment to take back the measure for the present.

Mr. B.S. PUTTASWAMI said that at present there was

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or Municipalities on the one hand and

co-ordination between the Village Panchayets/ District
the other, and that such co-ordination
~~and Municipalities which~~/ was a necessary requisite fo
round progress. By merely amending the District Board
Regulation only, things would not improve. All local-
government enactments should be taken together and exam
with a view to bring about this result. For this reas
was also in favour of the present bill being withdrawn
~~xxxx

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to submit their report within a specified time.

The Second Member of Council observed that it might be possible to fix a time limit in all cases.

Mr. D.S. MALLAPPA said that the Elementary Education Regulation and some other laws were connected with the District Board Regulation. District Boards were very important self-governing bodies and it would be worthwhile bringing up a comprehensive bill embodying all the amendments necessary with reference to all the laws referred to. After all, nothing was going to be lost by postponing such a consolidated bill for a few months.

The SECOND MEMBER OF COUNCIL observed that many of the recommendations of the Conference of District Board Presidents could be given effect to by a mere modification of the rules and it would not be worthwhile deferring important amendments to the Regulation till those modifications of rules were made.

MESSRS. H.B. GUNDAPPA and B.T. PUTTASWAMI thought that even the amendment relating to the utilisation of railway cess for road purposes was not of a very urgent nature. Both the Government and the District Boards Presidents were eager to effect certain amendments to the Regulation and it was desirable to do so at the earliest opportunity. They also added that District Boards had already submitted to Government their budget estimates for the coming year and that it would not be possible for them to give effect to the amendment relating to utilization of railway cess in the year. So even if the amendment was rushed through, no object would be gained in the near future. For these reasons, they considered that it would be desirable to consider all aspects of the question and bring a comprehensive bill before the House at its next session.

The DEWAN accepted this suggestion and promised in the meantime to appoint a small committee for looking into the

LB 52-35-1.

Proceedings of the Govt. of His Highn
the Maharaja of Mysore.

....

ORDER NO. L 962-71 dt 2-8-35

During the discussion on the statemc
of general principles of the Bill to furt
amend the District Boards' Regulation -
placed before the recent Session of the F
presentative Assembly in June 1935, it wa
urged that the changes sought to be intrc
duced by the Bill were not comprehensive
that it was necessary to examine certain
other suggestions put forward ~~on this bel~~
~~in this connection~~. The suggestion to
appoint a small committee for examining t
question and preparing a bill to be place
before the Assembly at the Dasara Session
was accepted by Government.

2. Government are accordingly pleased
to appoint for the purpose a Committee cc
sisting of the following officials and nc
officials:

The Director of Public Instruction.
The Deputy Commissioner, Bangalore.
The Secretary to Government, Developmer
Department.
The Government Advocate.
Mr. Chengalaraya Reddi, Kolar.
" B. Puttaswamy, do Mysore.
" H. Venkataramiah, do Tumkur,
" K. Halappa, do Shimoga.

3. The Committee will consider the am
ments proposed in the Bill placed before

P.T

Assembly recently and also the proposals involving amendment of the District Boards' Regulation made at the Conference of the District Boards' Presidents held in February 1935. They may also consider and recommend any other proposals calculated for amending the existing Regulation to improve the working of the District Boards.

4. The Committee is requested to complete its deliberations and furnish a report to Government as early as possible before the Dasara Session of 1935.

5 The expenditure on account of the Committee will be debited to 12-3 Miscellaneous in the State Budget for the current year

Secretary to Government,
Development Department.

To

The Chairman and Members of the Committee.

The Comptroller to Government.

Copy to R.A. Section w/r to the promise made at the R.A. session in June 1935

Appendix F.G—1]

5

SUBJECT .....

.....

.....

Section LD

File No. 52-35.

Serial No.

Diary No. of letter replied to .....

No. 0-17. 21151-9

To ~~Asbies~~

A meeting of

General and Revenue Secretariat

( )

the *193* .

Committee appointed to

Conside the amendments

the District Boards' R

will be held in the

Chambers of the Legis

Public

Member of Council

1 P.M. on Thursday

Date of issue 9-8-35

22nd August 1935.

~~The meeting will be cancelled unless~~

~~on the following days~~

Signed by .....

D. O

Legislative D.D.

& Convenor

Printed copies of the bill were despd to members of the committee etc on 10-8-35 as per orders of the Asst Secy

To

The Members of the Com

up-A. to the Chair in

O-B for meeting at

List of enclosures .....

Copied by .....

Examined by.....

J Lynch arrive

R.A. & C. Mee with

M.L.A. Member

WD 01956—GPB—22,500—12-6-34

7

12 printed copies of the Dfr. Ot. Bp. Bill with Statutes may kindly be sent for being sent to the members of the Committee by

Supdt., R.A.I. / Le-Sle.St.C

10/8/35

12 copies of the Bill are sent

Mr. H.S.G. with Compts

10/8/35

Appendix F G—1]

SUBJECT .....

.....

.....

Section L 63

File No. S 2 - 35

Serial No.

No. L 1896-904 OM

Diary No. of letter replied to ....

~~To~~ The undersigned

A meeting of the Committee appointed to consider the amendments to the DBOs Rgn will be held in the Chambers of the Second member of Council, Public offices, Bangalore, at 1 Pm on the 14th Sept 1935.

General and Revenue Secretariat

( )

the 193 .

Date of issue 10/9/35

Signed by .... Mr S.J. Rao

.....

To See to your ~~order~~

To the members of the ~~Committee~~ Committee

~~Committee~~ Personal Asst to the Chief Secy

OB for making Enclosures

R.A. the 11th

List of enclosures .....

Copied by .....

12/9/35

Examined by.....

WD 01956—G1 —22,000—1250-32

NOTIFICATION.

No. 1868—L. C., Bangalore, dated 19th November 1935.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore District Boards Regulation, 1926, is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Bill further to amend the Mysore District Boards Regulation, 1926.

Preamble.

Whereas it is expedient further to amend the Mysore District Boards Regulation, 1926; It is hereby enacted as follows:—

Amendment of section 3.

1. In section 3 of the Mysore District Boards Regulation, 1926, (hereinafter referred to as the said Regulation) the following definitions shall be added, namely:—

(5) "Dangerous disease" means cholera, plague, small-pox and any endemic or epidemic or infectious disease by which the life of man is endangered.

(6) "Market" means a place where goods or animals are publicly exposed or brought for sale periodically.

(7) "Public ferry" means a ferry used for the conveyance for hire of any passenger, animal, cart, carriage or other vehicle or goods.

(8) "Private market" means a market other than a public market.

(9) "Public market" means a market which a District Board opens under section 54 or a market the control over which is or may be vested in a Village Panchayet by the Government.

Amendment of section 8.

2. In sub-section (2) of section 8 of the said Regulation, for the words " whenever a date has been fixed for any election of persons to fill the places of persons whose term of office has expired," the words " for every election of members in place of those whose term of office expires under section 24 " shall be substituted.

Amendment of section 9.

3. In section 9 of the said Regulation, for the words " and who is not subject to any disqualification specified in section 10 or any other provision of this Regulation or the rules thereunder," the words " and who is not of unsound mind " shall be substituted.

Amendment of section 10.

4. In section 10 of the said Regulation, for the word " vote " occurring in the first line, the words " be a member" shall be substituted.

Amendment of section 11.

5. In section 11 of the said Regulation ;—

(i) the following words shall be inserted after the the words "or on behalf of the District Board " and before the words " may be a candidate " :—

" and any person who is not employed as paid legal practitioner on behalf of a District Board or does not accept employment as legal practitioner against a District Board "

(ii) The word " or " at the end of proviso (*c*) and proviso (*d*) shall be omitted.

Amendment of section 14.

6. At the end of sub-section (5) of section 14 of the said Regulation, the following explanation shall be inserted :—

" *Explanation.*—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or the rules made thereunder whereby the result of election has been materially affected."

Substitution of a new section for section 23

Term of office of President and Vice-President and their liability to removal.

7. The following shall be substituted for section 23 :—

" (1)—The term of office of every President or Vice-President shall commence from the date of notification of his election or appointment and shall, save as otherwise provided for in this Regulation, cease whenever he ceases to be a member of the District Board over which he presides ;

Provided that he shall, after an opportunity is afforded for hearing him, be removable from office as such President or Vice-President by the Government for misconduct or neglect of or incapacity to perform his duty or if he is unable to pay his debts or in the case of any elected or nominated President or Vice-President for not commanding the confidence of the Board to be evidenced by a resolution of the District Board in favour of which not less than two-thirds of the whole number of members of such Board have given their votes at a meeting specially convened for the purpose.

Explanation.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any Court for the payment of money.

Casual vacancies in their office how to be filled up.

(2) In the event of any vacancy occurring in the office of a President or Vice-President, by death, resignation, removal or otherwise, the vacancy shall be filled up as soon as conveniently may be, by the election or appointment of some other member of the Board thereto.

Substitution of a new section for section 25.

8. For section 25 of the said Regulation, the following shall be substituted, namely :—

Resignation of office as member of Board, Vice-President or President.

"25. A member of a District Board other than the President may resign his membership and a Vice-President may resign his office as Vice-President by giving notice in writing to that effect to the President and such resignation shall take effect from the date of the notice. The President may resign his membership or his office as President by giving a notice in writing to that effect to the Government and if such resignation is accepted, it shall take effect from the date on which the intimation of such acceptance reaches the office of the President."

Amendment of section 26.

9. In clause (*a*) of sub-section (1) of section 26 of the said Regulation, for the words "disqualified under," the words "subject to any disqualification specified in" shall be substituted and in clause (*c*) of the same sub-section, the words "without the leave of the Board" shall be omitted.

Addition of a new section as 27-A.

10. Between sections 27 and 28 of the said Regulation, the following new section shall be inserted, namely :—

Casual vacancies occurring by increasing the number of members.

"27-A. In the event of a vacancy occurring by increasing the number of members of a District Board under section 6, such vacancy shall be filled up, as soon as conveniently may be, by the election or appointment as the case may be, of a person thereto who shall hold office

till the next general election or for such period as the Government may in this behalf notify in the official Gazette."

Amendment of section 30.

11. Sub-section (3) of section 30 of the said Regulation shall be numbered as sub-section (4), the following new sub-section being inserted between sub-sections (2) and (4), namely :—

(3) Every member shall have access to the records of the District Board or of any Committee after giving due notice to the President, provided that the President may for reasons given in writing, forbid such access."

Amendment of section 37.

12. In the proviso to section 37 of the said Regulation, the words " loss or waste " shall be inserted after the word " misapplication " wherever it occurs.

13. In sub-section (1) of section 40 of the said Regulation, the words ' or with any Village Panchayet ' shall be inserted after the words ' Municipal Council ' in line 2 thereof and the words ' or Panchayet ' and ' or Panchayets ' shall be inserted after the words ' Council ' and ' Councils ' respectively in lines 3 and 7

14. In section 45 of the said Regulation-

(1) For the words beginning with " Every District Board " and ending with " subject to its authority " in sub-section (1), the following shall be substituted, namely :—

Amendment of section 45.

" It shall be the duty of every District Board to make, subject to such exceptions and conditions as may, from time to time, be made or imposed by the Government in this behalf, reasonable provision for the following matters within the area under its jurisdiction and when effective provision cannot otherwise be made, outside tha.

(2) The word " schools " in clause (*c*) whole of clauses (*h*), (*j*), (*l*) (*m*) and (*n*) of sub-sec of the said section shall be deleted.

(3) The word " and " at the end of clause (*c*) of sub-section (2) of the said section shall be omitted and the following new clauses shall be inserted after clause (*d*) thereof :—

(*e*) promote development of economic condition with special reference to Agriculture and Industries and Commerce ;

(*f*) encourage local arts and industries and grant loans for this purpose subject to the rules made by the Government in this behalf;

(*g*) institute, hold and manage fairs, cattle and agricultural shows and industrial exhibitions;

(*h*) improve breed of cattle;

(*i*) pay travelling allowances to members of the District Board or any committee thereof subject to the rules prescribed in this behalf;

(*j*) provide motor and other transport facilities for the carriage of the public or guarantee from the district fund such sums as the District Board shall think fit as interest on capital expended by the Government or a company for this purpose and grant loans for providing capital for this purpose;

(*k*) organise and maintain, in time of famine or scarcity, relief and local relief works and shops or stalls for the sale of necessaries of life;

(*l*) provide accommodation for any class of servants employed by the District Board and grant loans to such servants for construction of houses subject to the rules and conditions prescribed by the Government in this behalf;

(*m*) contribute towards any public fund raised for the relief of human suffering within or without the area under the authority of the District Board;

(*n*) by a resolution passed at a meeting and supported by one-half of the whole number of members of the Board, and with the previous sanction of the Government, arrange for any public reception, ceremony or entertainment; and

(*o*) undertake any other matter not hereinbefore specifically named which is likely to promote the public health, safety or convenience or which is necessary for the carrying out of this Regulation, expenditure whereon is resolved by the District Board by the votes of not less than one-half of the whole number of members of the District Board and with the approval of the Government, to be an appropriate charge on the district fund.

Amendment of section 54.

15. For section 54 of the said Regulation, the following sections shall be substituted, namely:—

Public ferries.

"54 (1) No public ferry shall after the commencement of this Regulation be newly established or closed without the sanction of the Government and no person shall keep open a public ferry which has been entrusted to

the charge of the District Board without a license from the District Board;

(2) Whoever contravenes the provisions of this section shall, on conviction by a Magistrate, be punished with fine which may extend to five hundred rupees;

(3) Nothing in sub-sections (1) and (2) shall be deemed to apply to any person specially hiring a boat for the conveyance of himself or his family or friends or servants or goods or to the person letting such boat for for the said purpose."

"54-A (1) No market, either private or public, and no atras, fairs, agricultural and cattle shows and exhibitions except those which are managed by muzrai and other officers authorised by the Government in this behalf shall be newly established in any area under the authority of a District Board or a Village Panchayet without the previous sanction of the Government which, in the case of the latter, will be accorded after previous consultation with the District Board concerned.

(2) The grant of permission under the last preceding sub-section shall be subject to such conditions, and restrictions as the Government may lay down generally in respect of all such institutions as are referred to in sub-section (1) or specially in the case of any particular institution or class of institutions.

(3) No person shall open a new private market or continue to keep open a private market unless he obtains from the District Board a license to do so.

(4) No person shall sell or expose for sale any article or animal in any unlicensed private market;

(5) Whoever contravenes the provisions of this section shall, on conviction by a Magistrate, be punished with fine which may extend to five hundred rupees.

(6) If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing or live-stock or poultry or cotton, ground-nut or other industrial crops or any other raw or manufactured products, is a market or not, the local authority concerned shall make a reference to the Government and the decision of the Government on the question shall be final."

Amendment of section 56.

16. In sub-section (3) of section 56 of the said Regulation, between the words "shall" and "be punished" the words "if not punishable under any other section of this Regulation," shall be inserted.

17. For section 65 of the said Regulation, the ollowing shall be substituted, namely,— Substitution of a new section for section 65.

"65. The district fund and all property held by or vested in the District Board under this Regulation, shall be applied, subject to the provisions of this Regulation for the payment of : — Application of district fund and property.

(*a*) the salaries, allowances, pension and gratuities of its officers and servants,

(*b*) any amounts falling due on any loans contracted by the board,

(*c*) expenses incurred—

(i) for holding elections to the District Board under this Regulation,

(ii) for the purposes specified in section 45, and

(iii) all other purposes for which by or under this Regulation or the rules or bye-laws thereunder or any other law for the time being in force, powers are conferred or duties imposed upon the District Board, and

(*d*) with the previous sanction of the Government, any other purpose for which the application of such property or fund is in the public interest.

Provided that—

(1) any funds granted to the District Board by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf.

(2) The Deputy Commissioner shall determine the amount of expenses to be incurred for holding elections referred to in clause (*c*) of sub-section (1) and his determination shall be final and binding on the District Board.

18. The following shall be substituted for sub-section (4) of section 68 of the said Regulation :— Substitution of a new sub-section for sub-section (4) of section 68.

"(4) The whole or any portion of the cess or the interest or other income derived from investment thereof in a bank or in securities or on construction of a railway or tramway may, with the previous approval of the Government and subject to such orders as may be made by it, be utilised for the construction of new roads

and bridges or for improvement works to existing roads and bridges in the district, provided it is not required immediately or in the near future for,—

(*i*) expenditure on the purposes specified in clauses (*b*) and (*c*) of sub-section (3), or

(*ii*) expenditure on the construction of any railway or tramway, the earnings from which have, as a result of an investigation of the traffic prospects of the said railway or tramway, been ascertained as sufficient to meet the working expenses of the said railway including provision for depreciation and renewals and to yield in addition on the capital invested, an interest of not less than 3 per cent annually.

Explanation.—The expression 'improvement works to roads' in this sub-section includes the widening of roads, the levelling of roads, the provision of improved surfacing to roads by treatment with cement, tar, bitumen and such other materials, and the doing of any other works in respect of roads beyond ordinary repairs essential to placing them in a proper state of repair.

Addition of new sections 71-A and 71-B

19. After section 71 of the said Regulation, the following new sections shall be inserted, namely :—

Power to expel persons who refuse to pay fees.

"71-A. When any fee has been imposed under section 70 or has been leased under section 71, any person employed by the District Board or lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

"71-B. When a cess is imposed under the provisions of sections 68 and 69, every tenant of land in respect of which or in respect of the assessment on which the cess is imposed shall be liable in addition to his rent to pay to his superior holder from whom the cess is recoverable, a sum calculated on the basis of the amount to be re-imbursed to the superior holder in respect of the cess imposed as aforesaid and such sum shall be recoverable as though it were part of his rent."

Substitution of new sections for sections 76 to 79 under a new chapter.

20. For sections 76, 77, 78 and 79 of the said Regulation, the following sections under a new chapter shall be substituted, namely :—

'CHAPTER VI-A.'

District Fund Accounts and Administration Reports.

Prohibition of expenditure not budgetted for.

76. Except as hereinafter provided, no payment of any sum shall be made out of the district fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely :—

(*a*) refunds of taxes and other moneys which the District Board is authorised by the Regulation or the rules made thereunder to make;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the district fund by mistake;

(*c*) sums which the District Board is required or empowered by this Regulation to pay by way of compensation;

(*d*) every sum payable,

(i) under section 95 by order of the Deputy Commissioner and under sections 39, 96 and 98 by order of the Government,

(ii) under a decree or order of a civil court passed against the District Board,

(iii) under a compromise of any suit or other legal proceedings or claim;

(*e*) expenses incurred in the exercise of power conferred by bye-laws made under clause (*e*) of sub-section (1) of section 57 ;

(*f*) all contributions payable by the District Board to the Government for the maintenance of water-supply, dispensaries and other institutions managed by the Government on behalf of the District Board or on behalf of the District Board and any other local authority or authorities.

Presentation of accounts.

77. (1) The Standing Committee shall have prepared and laid before the District Board at its quarterly meetings complete accounts of the receipts and expenditure of the District Board since the first day of July last preceding and at a meeting which shall be held between the first day of February and the first day of April, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtieth day of June next following together with a budget estimate of the

income and expenditure of the District Board for the official year to commence on the first day of July next following.

(2) The District Board shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of July next following. The budget as passed by the District Board shall be sent to the Government through the Deputy Commissioner before such date as may be fixed by the Government, and the Deputy Commissioner shall submit the same to the Government with his remarks, if any, with the least practicable delay.

(3) In such budget estimate, the District Board shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the District Board by this Regulation or any other law;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the District Board may be liable in respect of loans contracted by it;

(*c*) provide for the payment of all sums payable to the Government under section 39 and of all contributions for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the District Board and any other local authority or authorities;

(*d*) allow for a balance at the end of the said year of not less than such sum as may, from time to time, be fixed by the Government generally for all District Boards or specially for any District Board;

(4) If the budget as submitted fails to make adequate provision for the matters specified in sub-section (3), the Government may, in according sanction, modify any part of the budget so as to ensure that such provision is made.

Revision of budget.

(5) If, in the course of the official year, the District Board finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government—

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 77; and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 77.

Maintenance of accounts and restrictions on expenditure.

79. (1) Accounts of the income and expenditure of the district fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the district fund shall, save as otherwise expressly provided for in this Regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The District Board shall, at the general meeting in July or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

79-A. (1) The district fund accounts shall, from time to time, and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be appointed by the District Board.

(2) The auditor or auditors shall for the purposes of their office, have access to all the accounts and other records of the District Board.

(3) The District Board shall pay from the district fund such charges for the audit as may be agreed upon and in the case of a Government auditor, such charges as may be prescribed by the Government.

Powers of Government auditor.

79-B. The Government auditor may—

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

79-C. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the Standing Committee a report upon the audit of the district fund accounts,

(*b*) report to the Standing Committee and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or

in the recovery of moneys due to the District Board or in the district fund accounts; and

(*c*) report to the Standing Committee and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the District Board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste;

Standing Committee to remedy defects.

(2) The Standing Committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Disallowance by Government auditor and order by Deputy Commissioner.

79-D. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

(2) The Deputy Commissioner may, on the report of the auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

79-E. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application, the person so aggrieved may, within the like period, appeal to the Government who shall pass such orders as it thinks fit.

Recovery of amounts disallowed.

79-F. Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the District Board within one month after the intimation to him of the said decision unless within that time such person has appealed to the

court or to the Government against the decision ; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue along with the necessary expenses of such recovery credited to the district fund.

Transmission of accounts to Government.

79-G. The District Board shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may, from time to time, direct.

Annual Administration Report.

79-H. (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the President shall submit to Government through the Deputy Commissioner, a report on the administration of the Board during the preceding official year in such form and with such details, as the Government may direct, with the resolution of the District Board thereon.

(2) The report may be published in such manner as the District Board, subject to the approval of the Government, may direct.

Amendment of section 94.

21. In sub-section (1) of section 94 of the said Regulation, after the words " breach of peace " the words " or is unlawful " shall be inserted.

Amendment of section 95.

22. (1) After the word " balance " at the end of sub-section (2) of section 95 of the said Regulation, the words " and such person shall be bound to comply with such order " shall be inserted.

(2) For sub-section (3) of the said section, the following shall be substituted, namely :—

" The provisions of sub-section (2) of section 94 shall apply, so far as may be, to any order made under this section."

Amendment of section 96.

23. In sub-section (1) of section 96 of the said Regulation, after the words " by or under this Regulation," the words " or by or under any enactment for the time being in force," shall be inserted and after the word " balance " at the end of sub-section (3) of the said section, the words " and such person shall be bound to comply with such order " shall be inserted.

Amendment of section 98.

24. Section 98 of the said Regulation shall be treated as sub-section (1) thereof and the following shall be inserted as sub-section (2) namely :—

"(2) No suit shall be entertained by a Civil Court in respect of any dispute referred to in sub-section (1)."

In sub-section (1) as re-numbered, the words 'or Village Panchayets' shall be inserted after the words 'Municipal Councils.'

Amendment of section 100.

25. (1) In sub-section (2) of section 100 of the said Regulation, after the word "Committees" in clause (*c*), the words "and to the interpellation of the President by the members and to the moving of resolutions at meetings of District Boards" shall be inserted.

(2) For clause (*n*) of the said sub-section, the following clause shall be substituted, namely :—

"(*n*) as to the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom."

(3) Clause (*r*) of the said sub-section shall be re-numbered as clause (*s*), the following new clause being inserted after clause (*q*), namely :—

"(*r*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date, as may be fixed by the Magistrate."

Addition of a new section as 100 A.

Delegation of powers by Government.

26. After section 100 of the said Regulation, the following new section shall be inserted, namely,

"100A. The Government may delegate all or any of its powers under this Regulation to any officer subordinate to it."

Amendment of section 106.

27. Section 106 of the said Regulation shall be treated as sub-section (1) thereof and the following shall be inserted as sub-section (2) thereof, namely :—

"(2) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877 as in force in Mysore."

Amendment of section 108.

28. After sub-section (2) of section 108 of the said Regulation, the following sub-sections shall be inserted namely :

"(3) Nothing contained in this section shall prevent the District Board allowing any temporary occupation

of or erections in any public street on occasions of festivals and ceremonies, and in such manner, as not to inconvenience the public or any individual.

(4) Nothing contained in this section shall apply to any projection duly authorised by the District Board or in any case where permission has been given under sub-section (3) of this section."

Amendment of schedule II

29. In clause (*a*) of schedule II of the said Regulation, between the words "As" and "a", the words "a slaughter-house or as " shall be inserted.

Statement of Objects and Reasons.

The District Boards Regulation now in force was promulgated in the year 1926 and though the amending Regulations II of 1929, VIII of 1930 and II of 1932 introduce some important changes, it is felt that the Regulation requires further amendment in the light of the experience gained. Many useful provisions have been introduced in the Madras Local Boards Act, and the Mysore Municipal Regulation, 1906 has been replaced by three separate Regulations for the City, Town and Minor Municipalities in the State, incorporating important provisions calculated to improve their administration. It is considered necessary to amend the District Boards Regulation in certain important respects. The present Bill is prepared accordingly.

The most important changes are in respect of (1) the utilisation of the Railway Cess as well as the interest thereon for the construction of new roads and bridges or for improvement works to existing roads and bridges, as indicated in the Government Order on the report of the Motor Transport Committee; and (2) sections 76 to 79 of the Regulation, regarding District Board finance including provision for surcharge. The other changes proposed are minor ones, most of which are intended to supply omissions or rectify the existing defects.

Notes on Clauses.

Clause 1.--It is necessary to define the expressions referred to in this clause to avoid ambiguity and repetition.

Clause 2.--This legalises the existing practice of preparing the list of voters when the term of the existing Boards is about to expire.

Clause 3.—Section 9 of the Regulation says that the disqualifications mentioned in section. 10 apply to voters. It is not necessary to prescribe any general disqualifications for voters. The section is amended accordingly

Clause 4.—Section 10 of the Regulation prescribes the general disqualifications of voters, while it is referred to in section 26 as prescribing the disqualifications of members. Section 10 is therefore amended so as to be in accordance with section 26.

Clause 5.—This clause prescribes among the qualifications for membership that a person should not be employed as a legal practitioner on behalf of or against a District Board.

Clause 6.—This supplies an omission.

Clause 7.—This clause makes it clear when the term of office of a President or Vice-President commences and also provides for their removal for inability to pay their debts.

Clause 8.—This supplies an omission in the existing section 25 as regards the date from which the resignation of the President or Vice-President or a member of the District Board takes effect.

Clause 9.—The amendments proposed are merely verbal and are intended to make the meaning clear.

Clause 10.—This supplies an omission.

Clause 11.—This makes specific provision as regards the right of members to have access to the records of the District Board.

Clause 12.—This extends the liability of the members of the District Boards under the section to cases of loss or waste of the funds or property of the Board.

Clauses 13 & 24.- The Village Panchayets are proposed to be included in sections 40 and 98 of the Regulation to provide for the settlement of disputes between District Boards and Village Panchayets.

Clause 14.—In this clause the less important duties of District Boards now classed as obligatory are treated as discretionary duties and the latter have been amplified as in sections 58 to 60 of the City Municipalities Regulation. The duties are mentioned exhaustively with a view to remove the difficulties now felt in the interpretation of the present section.

Clause 15.— Existing section 54 has been found to be defective in many particulars. Restrictions are necessary as regards opening of new public markets and it is

desirable to make provision in the Regulation for associating Village Panchayets with the management of local markets and to specifically exempt jatras, etc., held under the management of Muzrai officers from the control of District Boards. To make these changes two sections, 54 and 54 A, are proposed in place of the existing section 54.

Clause 16.—This makes a verbal alteration with a view to make the meaning clear.

Clause 17.—The restrictions as regards expenditure outside the area under the authority of the District Board laid down in the existing section are dispensed with and the section is recast on the lines of section 55 of the City Municipalities Regulation.

Clause 18.—This amendment is intended to give effect to the Government Order on the report of the Motor Transport Committee to permit the utilisation of the railway cess or of the interest or other income derived from its investment for the construction of new roads and bridges as well as for improvement of existing roads and bridges.

Clause 19.—This clause introduces two new sections (1) empowering the lessee to expel persons refusing to pay the prescribed fees and (2) making every tenant of land on which cesses are levied to pay proportionate cess on his land to the superior holder.

Clause 20.—This substitutes a new chapter for sections 76 to 79 after the model of Chapter XI of the City Municipalities Regulation. It makes provision for surcharge of illegal expenditure.

Clauses 21 to 29.—These clauses contain minor amendments which are either verbal, intended to make the meaning clear or consequential on the other amendments proposed. Clause 26 secures power to Government to delegate its powers under the Regulation to any officer subordinate to it. This power is considered necessary.

Printed by the Superintendent at the Government Press, Bangalore

Appendix F of 1]

26

SUBJECT.....

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.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P5671-86 . 2n .

To 1) M. V. Sivantha Raja B.A

2) A. V. Ramanathan Esq B.A

3) M. V. Ramaswamy Esq M.A., B

4) M. Venkatachalam Esq B

5) G. Chandrappa Esq B.A., LL.B

6) S. C. Mallayya Esq

7) M. B. Gundappa Esq B.A, B

8) Khan Bahadur Mohammed

Members L.C

A meeting of the Select Committee appointed to consider the Bill further to amend the Dt. Boards Regn. will be held in the Chamber of the Second Member of Council

General and Revenue Secretariat

( )

the 193 .

Date of issue 26.2.36.

Signed by Mr. C.S.I.

List of enclosures.....

Copied by ....

Examined by.....

WD 03601—GPB—30,000—23-9-35

Public bypass buildings, Bangalore
at 1 P.M. on Friday the 20th
March 1986.

B-0

Secy E

Copy to P.A. to Secretary

" J.S. (Pers)

" C.B.

" Asst. Secy R.S.B.E

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

28

General and Revenue Secretariat

No. R. P 5671—38.

Dated, Bangalore, 20th February 193 26

Official Memorandum.

To

1. K.V.Anantaraman Esq., B.A.,
2. A.V.Ramanathan Esq., B.A.
3. H.V.Ramaswami Esq., M.A., B.L.,
4. M.Venkatanarayanappa Esq., B.A.
5. G.Channappa Esq., B.A., LL.B.
6. S.C.Nallaiya Esq.,
7. K.D.Gundappa Esq., B.A., B.L.
8. Khan Bahadur Mahomed Abbas Khan

Member, Legislative Council.

A meeting of the Select Committee appointed to consider the Bill further to amend the District Boards Regulation, will be held in the chambers of the Second Member of Council, Public Offices buildings, Bangalore at 1 P.M. on Friday the 30th March 1928

By order,

Secretary, Legislative Council.

D.O. no. P6221/1

30

17th March 1936.

Dear Sir,

Your letter of the 16th instant. It is regretted that Notice of Meeting on tne 20th has not been received by you.

A Copy of the Official Memorandum No.P.5671-78 dated 20/26th February 1936 is sent herewith for your information.

Yours sincerely,

C.S.Malliah, Esq.,
Member, Legislative Council,
Somanahalli, Maddur P.O.

D.O. No P 6222.

31

17th March 1936.

Dear Sir,

A copy of the Notice No.P.5671-78 dated 20/26th February 1936 of the Meeting of the Select Committee to -- consider the District Board Regulation Amendment Bill -- addressed to Mr. S.C.Mallian and sent to you by mistake on 26th February 1936 may kindly be returned.

Yours sincerely,

C

D.S.Mallappa, Esq.,
Member, Legislative Council,
and Merchant, Tiptur, Tumkur District.

Appendix F G—1]

32

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue 23.4.36

Signed by Mr. C.S.I.

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No. P 7003—11

To

1) K. V. Ananda Narayana B.
2) A. V. Ramanadhan B.A
3) K. V. Ramaswami Esq Jr. B.,
4) Jr. Venkatachari Esq B.
5) Gr. Chandrasekhara Esq B. A. (Hons)
6) S. C. Mahadeva Iyer
7) K. B. Gururaja Rao B. A., B
8) Khan Bahadur Mohamed Ahmed Esq Inspector I.C

—

Sir

I have the honour to be directed to inform you that the Select Committee appointed to consider the Bill to amend the [illegible]

33

Chambers of the Secretary
Treasurer of Commerce,
Public Offices Buildings,
Bangalore 1st 1 P.M.
the 3rd inst. 1st February 36

B-O

Secy to the Committee
~~Secy to the L.R.~~

Copy to P.A. to Secretary Treasurer
" C.B.
L.R. copies

GOVERN ENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

36

No P7003-11

General and Revenue Secretariat,

Dated Bangalore, 23-4 *193*6.

OFFICIAL MEMORANDUM

6

44

6526 P 6/35

ಜಿ. ಚನ್ನಪ್ಪ, ಬಿ.ಎ., ಎಲ್‌ಎಲ್.ಬಿ.
ಅಡ್ವೊಕೇಟ್, ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಬೋರ್ಡ್ ಪ್ರೆಸಿಡೆಂಟ್
ನ್ಯಾಯವಿಧಾಯಕ ಮತ್ತು
ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಗಳ ಮೆಂಬರು.

ಚಿತ್ರದುರ್ಗ

22.4.1936

The Secretary
Legislative Council
Bangalore

Sir,

Please let me know if any
date is fixed to hold the select
Committee meeting to consider the
Bill to further amend the Dist. Bd
Act. Kindly do mark.

Thanking you
Sir, I have the honour to be
Your most obedient humble servant,
That the meeting is on
the 1st. I am also
G.C.-11.

TYPING SECTION
24 APR. 1936
SECTT.

Appendix F G—1]

SUBJECT..... B.L. .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue..... 25-4-36 .....

Signed by ..... Mr C.S.I. .....

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No. P7090.

To

S. Channappa Esq
M.L.A.
Advocate & M.L.A
Chitaldrug

Sir,

I am directed to refer to your letter dated 22-4-36 I am directed to state that the adjourned meeting to consider the Bangalore Water Supply Board Bill has been fixed for the 1st May & a formal notice has been sent to you yesterday

I have the honour to be
Sir
Your obedient servant

WD 03601—GPB—30,000—23-9-35

Abstract Proceedings of the Meeting of the Select Committee appointed to consider the District Boards Regulation Amending Bill.

I Day — 20-3-36.

Present.

1. N. Madhava Rau, Esq., B.A., B.L., (Chairman
2. K. V. Anantaraman, Esq., B.A.,
3. A. V. Ramanathan, Esq., B.A.,
4. H. V. Ramasvami, Esq., M.A., B.L.,
5. M. Venkatanaranappa, Esq., B.A.,
6. Khan Bahadur Mahomed Abbaskhan
7. H. B. Gundappa, Esq., B.A., B.L.,
8. G. Channappa, Esq., B.A., LL.B.,
9. S. C. Malliah, Esq.,

~~Clause 1.- Additional definitions.~~ Adopted.

(N.B.--Portions to be deleted are enclosed in square brackets and portions to be added are indicated in italics.)

Clause 1.- Additional definitions.

Adopted.

Clause 2.-~~Amendment~~ Sec. 8 (2), as amended will read as follows:

"Such list shall be prepared by the Deputy Commissioner / whenever a date has been fixed for any election of persons to fill the place of persons whose term of office has expired/ for every election of members in place of those whose term of office expires under Section 24 or whenever the Government so directs, and shall be based upon such information as shall be available in the records of the Deputy Commissioner and of the officers subordinate to him."

Clause 3.-Amendment of Section 9.-

"Every person who is not less than 21 years of age / and who is not subject to any disqualification specified in section 10 or any other provision of this Regulation or the rules thereunder / and who is not of unsound mind, shall be entitled to have his name entered in the list for a constituency prepared under section 8, qualifying him to vote at elections of members to District Boards in such constituency, if he,

(a) in the case of a special constituency, possesses the qualifications prescribed by the Government in that behalf,

(b) in the case of general constituency, possesses one or more of the qualifications described in Schedule I and is also a subject of His Highness the Maharaja by birth or domicile and has resided in the Mysore State or in the Civil and Military Station, Bangalore, for six months prior to the date fixed for the preparation of the electoral list.

Explanation.-"Subject of His Highness the Maharaja by domicle" means one who resided in the Mysore State or in the Civil and Military Station Bangalore, for a period of not less than five years

Clause 4.-Amendment of Section 10.-

10. No person may ~~vote~~ be a member

(Here enter sub-clauses (a) to (h) & add a new sub-clause (i) who is employed as paid legal practitioner on behalf of a District Board or acceptsemployment as legal practitioner against a District Board,

Add also the 2 provisos.

Clause 5. In view of the above change, Sec. 11 will remain unaffected.

The Select Committee have proposed to substitute for clause 5 (i) the following:

"In section 10 of the said Regulation, add a new sub-clause (i) as under: "who is employed as paid legal practitioner against a District Board".

Clause 5 (ii) will remain as in the bill.

Clause 6 -do-

Clause 7.- Messrs H.R. GUNDAPPA & G. CHANNAPPA contended that the term of office of every President or Vice-President shall commence from the date of his election as in Madras and other British Indian Provinces, where they could enter on their office without waiting for the issue of a formal Notification.

The CHAIRMAN explained that the object of the proposed change was to ~~secure~~

bring the Regulation in line with the City and Town Municipalities Regulations & thus & regularise the (of all loca bo secure a uniformity ~~xx~~/working). It was also the common belief among the public that the notification of the President's appointment in the official Gazette added to the prestige and dignity of the office.

Khan Bahadur Mahomed Abbas Khan said that so long as the Government were the final authority, it would be better for the elected President or Vice-President to wait till the results of election were notified by the Govern ment in the official gazette and that such Notification shall be published only ~~xxxxxxxxx~~ after the lapse of the appeal time, i.e., 7 day after the date of ~~xxxxxxxxx~~ declaration of the results.

The CHAIRMAN assured the Committee that the Notification would be published as quickly as possible, irrespective of the fact whether there was a dispute about the election. The main object of Government was, he said, that there must be some definiteness about such things and so that there should be no uni-lat action on the part of individual local bodies

With this explanation, the amendment ~~xxxxxxxxxxx~~ to substitute Sec. 23 with the n clause was adopted.

(Here enter the new Sec. 23). -

Clause 8.- adopted as in the bill.

Clause 9.- Amendment of Section 26/ adopted. To be recast as follows:

26. (1) Any member of a District Board who, during the term for which he has been elected or appointed becomes / disqualified under ~~xxxxxxxxxx~~/ subject to any disqualification specified in Section 10, or

(b) (as in the bill)

(c) is absent for more than four consecutive months from the District for which the Board is established, unless leave so to absent himself, which shall not exceed six months, has been granted by the Board, or absents himself for six consecutive months from meetings of the Board / without the leave of the Board,/ shall cease to be a member and his office shall become vacant.

(2) ~~xxxxxxxxxx~~ No change.

Note.- As Sections 10, 11 & 26 all go together, the Secretary was requested to recast the wordings suitably.

Clause 10.- The Select Committee have proposed the addition of the words "For every general election" at the beginning of this amendment/ viz., New ~~xx~~ clause 27 A. to be added:

Clauses 11, 12, & 13.- Adopted/ without change.

Clause 14.-Add the words 'take measures to'at the beginning of sub-sections (e) to (o) under Sec. 45 (3)

Clause 15. Amendment of Section 54. The Committee have proposed a verbal alteration in line 7 of Cl.54-A (1) i.e., for the words 'in the case of the latter', substitute 'in respect of an application by the village panchayat"

Messrs. H.B. GUNDAPPA & G. CHANNAPPA were opposed to the provision empowering Village Panchayats to open markets etc., They felt that it was not proper to allow two bodies (Dt. Board & Village Panchayat) to exercise the same power under the same Regulation and that it would be desirable to vest that power in the District Board only

Mr. A. V. RA'ANATHAN explained that it was not merely a question of income to be considered but the question of facility to the public. The question of shandies, etc., were questions of vital importance to ~~xxx~~ village panchayats and they should have the power to open them. In the event of conflict between the Village Panchayat and the District Board, the Government would be the deciding authority.

The CHAIRMAN further explained that really speaking, after the Village Panchayat Regulation came into force, every private market could be licensed by the village panchayat and every public market had to be sanctioned by Government and then the District Boards would have no power at all in that respect.

After further discussion, the new provision 54 A, was adopted.

The Committee, at this stage, rose for lunch and reassembled at 3.40 P.M.

Clause 16.- Adopted without change.

Clause 17.- Amendment of Sec. 65.- Delete the sub division (d) & add the word 'for' at the end of the first line.

Delete also the second proviso at the end of the clause., being unnecessary

Clause 18.- Amendment to Section 68 (4)

The Committee approved of the substitution of the new sub-section, but deleted proviso (ii) occurring at the end.

Under 'Explanation', the words 'to roads' were in the second line deleted.

Mr. G. CHANNAPPA suggested the inclusion of 'ordinary repairs' also within the Explanation. But after further discussion, this point was not pressed.

Clause 19.- Addition of New Sections 71-A & 71-B

It was explained by the Chairman that complaints had reached the Government that while the Inamdars paid the railway cess on the recorded value, he was collecting it from the tenants on the basis of the assessment, thus making a profit for himself. In order to prevent this leakage, Sec. 71 B was proposed.

On a point of procedure raised by the Revenue Commissioner (Mr. K.V. Anantaraman), the point whether a provision like that might not more appropriately find a place in the Land Revenue Code was reserved for further consideration.

At this stage, the Committee adjourned at 4.45 P.M. to meet again after the 15th of April next.

Subs

23/3/36

Appendix F G—1]

SUBJECT 43

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Section

File No.

Serial No.

Diary No. of letter replied to .....

No. A 2232-9
Encl

To The Members of the Committee for consideration of the DTBDs Rept amendment

General and Revenue Secretariat

( )

the *193*

Date of issue .....

Signed by .....

Sir

I am directed to forward herewith a copy of the draft report of the Committee submitted to Govt and to request the same may be returned with Your approval in a complete form

Yours

Secy to Govt, Genl Deptt
& Convenor of the Committee

24/9

List of enclosures .....

Copied by .....

Examined by .....

WD 01956—GPB—22,500—12-6-34

From

The Convenor, Committee for the
Consideration of the amen
to the Dist. Boards Regul

To

The Secretary to Government,
Development Departments.

Sir,

I beg to submit the following repor
the Committee appointed in G.O. No. 2962-71
2352-35-
dated 2. 8. 35 to consider the amendments
necessary to the Dist. Bds' Regulation

The amendments referred to the Committee for consideration were the following:-

1. Amendments included in the Bill placed by Govt. before the last session of the R.A.
2. Amendments necessitated by some of th resolutions passed at a conference of the Presidents and Vice-Presiden of District Boards held in Feby 1935, and
3. Any other amendments which might be suggested by the members of the Committe for the improvement of the working o the District Boards.

The Committee held two sittings, viz., on the 22nd August and the 14th Sept. 1935 and discusse the several amendments referred to above and their decisions are mentioned in the following paragraphs.

The amending Bill placed before the R.A. was first considered clause by clause and all the amendments were accepted subject to the following changes:-

the religious institutions and that the exceptions would be allowed only in cases in which Govt. specially authorised a Mukrai or other officer in this behalf, the proposed provision was decided to be retained.

To supply an omission and make sub sec. (2) applicable to all the institutions referred to in sub sec. (1), the words 'in respect of all markets or specially in the case of any markets or class of markets' were decided to be replaced by the words ' in respect of all such institutions as are referred to in sub section (i) or specially in the case of any particular institution.'

The wording of clause (3) of the new Section regarding the licensing of private markets was reported by the Chairman and stated that the wording of Subsec (1) of Section 171 of the Madras Local Boards Act was adopted

Cl. 17 (Sec. 65).- The explanation to proviso (2) of this section enumerating the expenses incurred for holding elections was decided to be omitted, as it will be covered by the Cl. 4 (1) (a) (iii) that the expenses are not to be included items which were not being at present debited to Dt. Bds and that the Commutation may result in the increase of burden on Distt Boards.

Cl. 19. (Sec. 71B.)- It was urged that this new provision would enable the superior holders to collect more from the tenants than they actually pay to the Dist. Bd. by way of the cess and that this would be inconsistent with the existing practice.

The Chairman said that the point would considered.

Clause 22 (Sec. 77 (3)).- The question whether under the proposed arrangement, sanction of Govt. would be accorded to the budget estimates of the Dt. Bds was raised, and in view of the power reserved to Govt.

under ~~clause~~ (4) of this sub section to modify the budget, it was considered that the present practice of Govt. sanctioning the budget might be continued.

~~The Chairman said~~ that the necessary addition would be made to clause 4.

The amendments of the 2nd ~~class~~ referred to in para. 2 above were next taken up.

Transfer of Control over Village Panchayat to Dt. Bds

One of the resolutions passed by the Conference of the Dist. Board President and Vice-President was that the control of the Rev. Dept. over the V.Ps. be transferred to the Dt. Bds with a view to facilitate the satisfactory discharging of their obligations which are more or less identical'. Mr. Changalaraya Reddy observed that there was at present no co-ordination between the Dist. Bds and the V.Ps. in matters common to the working of these bodies such as the construction of public works and allotment of funds therefor, establishment of dispensaries and Vaidyasalas and the apportionment of their cost between the two bodies, supervision of sanitation, Red Cross work &c and that in all such cases, work could not go on unless the two bodies came together to settle detailed programmes and finance them. He accordingly suggested that, except in regard to matters specially reserved to the Dy. Commrs. under the V.P. Regn. such as constitution of V.Ps., election of Chairmen, supervision of Panchayets &c., the control over the Panchayet affairs might be entrusted to the Dt. Bds instead of to the Rev. Dept. without in any way affecting the autonomy and the initiative of the Panchayets.

The other non-official members agreed with Mr. Reddy, but a doubt was expressed whether the Dt. Bd. had the necessary establishment for the supervision of works &c

Mr. A.V. Ramanathan, while endorsing necessity for co-ordination between the D and V.P. observed that the Dy. Commr. was the co-ordinating authority, as representing Govt. and that he did not see how there c be want of co-ordination now and how this would disappear if the Dt. Bds. were given powers of Dy. Commr. He said that the D Commr. As head of the Rev. administration the district he had many opportunities of vi the interior such as during his inspectio of Taluk Offices &c. and that it would no possible for the Dist. Bd. to do all that could be done by the Dy. Commr. under the sent arrangement. He further said that amendment of the Dt. Bd. or the V.P. Regn was necessary to secure co-ordination in r pect of matters common to Dt. Bds & V.P this could be secured by delegating the n sary powers to the Dt. Bds. under section (2) of the V.P. Regulation. and by the issue needful instructions by executive orders Govt.

Mr. B.S. Puttaswami thought that rat than delegating powers under the existing visions, he would prefer to have the desi co-ordination provided in the Statute its

The Chairman observed that all thes suggestions would be considered.

To supply an omission in Sections 4

98 of the Dt. Bds Regn. it was suggested ~~by Mr. Ramanathan~~ that V.P. might be included in those sections and that Dt. Bds. might also be included in the corresponding provision of the V.P. Regn. This suggestion was accepted.

Transfer of the controlling powers under the Regn to a Head of Dept

~~Mr. Changalaraya Reddy next referred to~~ the resolution of the Conference of President and Vice-Presidents that the powers specified in secs. 90 to 95 of the Dt. Bds Regn. vested in Dy. Commrs. be vested in a Provincial Officer not below the rank of a Departmental head and urged the need for the amendment on the ground of the prestege of the Dt. Bds.

~~The~~ Chairman explained that the Collector in British India were also entrusted with the powers and that there was no necessity to make a departure here. ~~He also observed~~ that questions of prestege ought not to be raised in such matters.

Channel of communication between the DBBs & the Govt.

The question of the necessity to continue the present system of communications from the Dt. Bd. being sent up to Govt. through the Dy Commrs. was also raised ~~by Reddy.~~ But the Chairman observed that this question might be raised separately as no amendment of the Regn was necessary and that any change necessary might be made by means of rules under the Regulation.

Augmentation of the finances of DBBs

The next suggestion considered was the augmentation of the funds of Dt. Bds. by making alterations and additions to Sec. 63 of the Regulation. The points pressed were (1) the transfer of the entire amount of local cess, land, forest and excise revenue, (2) the statutory grant of at least Rs. 10,000, (3) the

grant of a portion of ~~x~~ the realisations from the petrol tax, and (4) the levy of education and Ry. Cess. on income tax and super tax.

In regard to item (1) it was explained by the Chairman that the balance of local cess now assigned to Dt. Bds. at present went to the Village School fund and that no amendment of section was necessary if Govt. wanted to ~~xxx~~ raise the proportion. He said that legislation was similarly unnecessary in respect of items (2) and (3) as there was already provision in clause (v) of sec. 63 for such grants from Govt. and that while it was obviously not possible for Govt. in their existing finances to undertake to give a fixed grant annually to the Dt. Bds. the question of giving a share of the petrol tax realisations would be considered if a provision was not already made for the purpose in the Road Traffic and Taxes Regn. As regards the last item viz., levy of Education and Railway cess on Income tax and super tax, the Chairman said that the question was already under consideration.

Other amendments

Mr. Changalraya Reddy next made the following suggestions for the amendment of the Regn. which, in his opinion, were necessary for the improvement of the working of the Dt. Bds:-

Sec. 5 (3).- It was suggested that the proportion of the election strength of the Dt. Bd. might be raised from two thirds to three fourths as in the case of Town Municipalities.

The Chairman observed that this suggestion might be considered in connection with the question referred by Govt. to the Dt. Bds. for

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the reduction of the number of members of Dt. Bd and that if the general opinion of all the Dt. Bd was in favour of the proposal, Govt. might accept the same.

Sec. 9 (b) & Schedule I.- The suggestion made was that the property qualifications prescribed for voters might be somewhat reduced in view of the adult franchise allowed in the case of Minor Municipalities. This was not supported by the other members.

Sec. 11. Mr. Reddy pointed out that the section did not make it clear whether the qualifications prescribed for candidates for election applied to the nominated members

Mr. Ramanathan having said that sec. 12 made the point clear, it was not pressed.

Sec. 14 (2).- It was stated that election petitions took a long time for disposal by Dist. Judges and that a time limit might be prescribed for the purpose.

The Govt. Advocate said that the Judges of Courts could not be bound by making such a provision and that the proposal was not feasible. The proposition was not pressed.

Sec. 23 (1).- Mr. Roddy suggested that in regard to no- confidence motions for the removal of elected presidents and Vice Presidents, the provision made in Section 23 (10) of the Town Municipalities Regn. might be adopted so as to make it easier for no- confidence motions being passed.

The Chairman explained that this was not desirable in view of the experience in Madras

The other members also were against the propo which was therefore dropped.

The meeting was then closed, the Chairman stating that as soon as the report of the Committee ~~went up~~ to Govt. all the suggestions made would be considered and that every effort would be made to pass orders thereon in time to enable the amendments being placed before the ensuing session of the R.A.

I have &c.,

Convenor, Dt. Bd. Regn. Amendment Committee.

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C.R.G.2

ಜಿ. ಚನ್ನಪ್ಪ, ಬಿ.ಎ., ಎಲ್‌ಎಲ್.ಬಿ.
ಅಡ್ವೊಕೇಟ್, ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಬೋರ್ಡ್ ಪ್ರೆಸಿಡೆಂಟ್
ನ್ಯಾಯವಿಧಾಯಕ ಮತ್ತು
ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಗಳ ಮೆಂಬರು.

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4 ನೇ 1936

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The Secretary
Legislative Council
Bangalore

Sir,

We beg to hereunto forward herewith our note to the Select Committee report of the Bike & Market Amendment to District Board Regulation and to request you to kindly acknowledge the receipt of same

We have the honour to be
Sir
your most obedient servt

H. B. [illegible]

ಜಿ. ಚೆನ್ನಪ್ಪ, ಬಿ.ಎ., ಎಲ್‌ಎಲ್.ಬಿ.
ಅಡ್ವೊಕೇಟ್, ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಬೋರ್ಡ್ ಪ್ರೆಸಿಡೆಂಟ್
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ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಗಳ ಮೆಂಬರು.

ಚಿತ್ರದುರ್ಗ

5/5/1926.

The Secretary
Legislative Council
B'lore

Sir,

In our note to Select Committee report a slip at Line seems to have crept in in the last sentence at page 5. The word "to" for the last sentence. "by" may kindly be inserted so that the ~~next~~ sentence may read as follows "Certainly it would have been more acceptable to non-Hindus".

Thanking you

Yours sincerely,

We the undersigned members beg to append herewith the following note to the select committee Report:-

In clause 7 (1), the Amending Bill provides for the President or the Vice-President to take charge of his office only from the date of notification of his election or appointment. The reason for this change seems to make the present clause more definite and clear and therefore we are of opinio that this provision could be made equally clear and definite by providing that the President or Vice-President should ente upon his duties soon after he is declared elected. In mos of the British Indian Provinces, the practice is that the President or Vice-President will take charge of his office soon after he is declared elected and we are strongly of opinion that similar provision would be better than the present clause. We don't think that there is any necessity for the Government to take this power of indirectly approving the elections. Such a power is neither healthy nor good in the ~~interest of~~ development of self-governing institutions.

In clause 12, the words "loss or waste" are sought to be introduced for "mis-application" and we are of opinion that these words are very wide in their meaning and may therefore cause a good deal of trouble in their actual application. We are therefore definitely against the proposed change.

In clause 14(n) we are of opinion that it is not necessary to make it incumbent that the resolution should be supported by one-half of the total number of the members of the Board, because there is already the safe-guard of obtaining a previous sanction of Government to all such resolutions. Either it may be left to the absolute majority of the Board without providin for any previous sanction of Government or it may be left to

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the ordinary majority of the Board in which case the previous sanction of Government shall be obtained to the resolution of the Board. We feel that two safe-guards that are provided now are quite unnecessary and may work a great hardship in actual working.

In clause 54 A(1) the word "Village Panchayet" should be omitted. We are strongly of opinion that the control of markets should vest in one body i.e. District Boards and the introduction of dual control is neither good nor sound. It is therefore urged that this point will be carefully reconsidered and accepted by the Government.

We are strongly of opinion that in Clause 77(2) and in Clause 79 H (1) the words "Through Deputy Commissioner" should be omitted. At present the Government have ordered that all correspondence between Government and the President of District Board should pass through the Deputy Commissioner and we are contending all along that there is no need for such a procedure. As far as we are aware, this practice is not followed in British India - at any rate, not so in Madras Presidency and therefore we strongly urge that this practice should be put an end to as early as possible. The chief reason for the Government to insist on this procedure, seems to be that the Deputy Commissioner who is the District representative of Government, should be kept informed of all what is happening in the District Board. We do not know if there is any need for such a contention and even, if there is, this can be achieved by asking the Presidents to send copies of all their communications sent to Government ~~to be sent~~ to the Deputy Commissioner. But we feel that there is no need even for such a procedure and if the Government want to consult the Deputy Commissioners, on any point, they may do so by calling for their

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opinion separately when-ever they feel it necessary to do so. We therefore strongly urge upon the kind attention of Government that this practice may be put an end to as early as possible.

This bill is mainly based on the City Municipal Regulation and we beg to point out that there is no such procedure or practice with regard to correspondence which passes between the President of a City Municipality and Government. Such being the case, we do not see any reason that this practice should be insisted upon in the case of District Board Presidents.

In clause 79 D(2) the Deputy Commissioner is the Officer who is responsible for sur-charging the amount of any deficienc or loss incurred by negligence or misconduct &c., We feel that it would not be in the interest of smooth administration of the District Boards if the Deputy Commissioner is made the authority for the same and we feel that ~~the Comptroller to~~ the Government would be a better ~~and more suitable person~~ authority for this purpose. We therefore strongly urge that the ~~Comptroller~~ Government be made responsible to pass orders under this chapter instead of the Deputy Commissioner.

We are of opinion that in clause 79 H(2) the words "subject to the approval of Government" be omitted.

In Section 100 A, the Government have proposed to take power to delegate all or any of its powers to any officer sub-ordinate to it. We are strongly opposed to this clause firstly because the status of the officer to whom such powers can be delegated is not defined nor restricted and secondly because we feel that the Government should not delegate any of its powers to any Officer subordinate to it. There is no such

provision

provision in the old Regulation and the Government have been all along excercising all these powers and we do not see any reason for delagating such powers to any other Officer however high he may be at present. It would be in the interest of District Boards that all these powers should be strictly excercised by Government. We therefore strongly urge that this clause be omitted.

If for any reason the Government cannot accept them, we suggest as an alternative, that the status of the Officer to whom such powers can be delegated should not be below a Provincial Officer or head of a Department and it would be better if a qualifying clause to that effect should be added in the Regulation itself. But it would be in the best interest of all that the Government should not delegate its powers to any Officer and therefore strongly urge for the present that this clause may be omitted.

Although this amending bill has tried to make clear certain provisions, it cannot be said that it has in any way widened its scope or enlargened the powers and privileges of non-officials. On the other hand, it has tried to impose certain restrictions on them. We are sorry to note that the Government seem to think that there is a necessity for their own representative, i.e. the Deputy Commissioner, to be always watching the doings of District Board or their heads - the non-official Presidents. There are enough safeguards in the Regulation itself and the powers of Government are quite adequate and wide enough to deal with any kind of mal-administration. Such being the case, any further restrictions may not help the growth and development of the self-governing institutions.

We may make it clear that we are not opposed to make suitably provisions for sur-charges &c., but we only

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only differed with regard to certain details. While we welcome all ~~such~~ safe-guards which would instil the growth of healthy administration, We wish that this Amending bill had contained ~~some~~ more liberal provisions which would go to enlarge the powers of the non-officials, such as widening the franchise, increasing the elected element in the Boards and doing away altogether with the system of making nominations. ~~altogether~~ Even the Municipal Regulations, on which this bill seems to have been based, have contained better provisions in this respe~~direction~~, and we regret to find that this Bill is absolutely silent on these points. If the bill had contained such provisions, certainly it would have been more acceptable ~~by~~ ~~to~~ the non-officials.

M. N. Ammanabhai
Member. Select Committee
4. 5. 36.

M. B. [illegible]
Member. Select Committee

Report of the Select Committee on the Bill to amend the Mysore District Boards Regulation.

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We, the undersigned members of the SelectCommittee to which the Bill to further amend the Mysore District Boards Regulation was referred, have considered the Bill at two sittings held on 20th March 1936 and 1st May 1936 and have the honor to submit this our report.-

Clause 2.- The term "general election" is well ~~recognised~~ understood and we consider that it may be used instead of the expanded phraseology "election of members in place of those whose term of office expires under section 24", as proposed in the Bill.

Clauses 4 & 5.- Section 10 relates to disqualification of voters, Section 11 to disqualification of candidates and Section 26 to disqualification of members after election.

In the Bill it is proposed to remove the disqualifications in respect of voters and to prescribe them in regard to members of the District Board. There will arise ~~then~~ three classes of disqualifications viz one for members under section 10 as proposed to be amended, one for candidates under section 11 and another for members after election.

The wording is somewhat wanting in clarity and some of the provisions are overlapping. Some of the qualifications or disqualifications prescribed for candidates should continue to apply even after election. We consider it desirable to bring all these disqualifications

under one clause on the lines of section 12 of the City Municipalities Regulation. We therefore propose that the following be substituted for sections 10 and 11 and that section 26 be deleted.

Disqualification of members.

10.(1) (A) No person may be a member of a District Board—

~~(b) who is less than twenty-one years of age, or~~

~~(c) who is a judge and~~

(a) who has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed, or quashed, or

(b) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(c) who has been dismissed from municipal, district board or Government service, such dismissal having been notified as debarring him from re-employment ~~in~~ or

(d) who was a legal practitioner whose sannad has been [redacted] withdrawn by the High Court, or

(e) who has been removed from office under section 27, or

(f) who is a legal practitioner whose sunnad has been suspended by the High Court, or

(g) who is an undischarged insolvent,

or

(B) No person,

(a) who is a salaried officer or servant of a district board, or

(b) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a district board, or in any contract or employment with, or under, or by, or on behalf of a district board, or

(c) who is employed as paid legal practitioner on behalf of a district board or accepts employment as legal practitioner against a district board,

may be a member of such district board.

Provided that -

(a) the disqualification in sub-clauses (b) and (f) of clause A will cease to operate after the expiry of the period during which a person is ordered to furnish security ~~where sunnad has been suspended~~;

(b) the disqualification in sub-cla (a), (c), (d) and (e) of clause A will cease to operate after the expiry of three years from the date of such sentence, dismissal, withdrawal or

or removal or earlier by an order of the Government;

(c) a person shall not be deemed to have incurred disqualification under clause 2(b) by reason of his

(i) having a share in any joint stock company or a share or interest in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by or on behalf of the district board; or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the district board may be inserted, or

(iii) holding a debenture or being otherwise concerned in any loan raised by on behalf of the district board .

(2) If any member of a District Board during the ~~time~~ term for which he has been elected or appointed-

(a) becomes subject to any disqualification ~~opined~~ specified in sub section (1), or

(b) votes or takes part as a Councillor in the discussion of any matter in which he has directly or indirectly by himself or his partner any such share or interest as is described in sub clauses (1) and (2) of clause (c) of the proviso to

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sub-section (1) or

(c) not being a salaried servant of the Government absents himself for more than four consequtive months from the district for which the Board is established unless leave so to absent himself, which shall not exceed 6 months, had been granted by the Board, or absents himself for 6 consecutive months from meetings of the Boa

he shall be disabled from continuing to be a member and his office shall become vacant.

(3) If any question or dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute or doubt.

11. Every person whose name is entered in the list prepared under section 8 for a constituency and who is not disqualified to be a member of the District Board shall be qualified to be a candidate at any election in such constituency provided that a person who is already a member of the District Board shall not be entitled to be a candidate at a bye-electi held before the expiry of his term of office as members of such District Board."

Clause 9.- In consequence of the amendment proposed to sections 10 and 11, section 26 has to be deleted.

Clause 10. Section 27 may be renumbered as section 26 and proposed section 27(A) may be numbered as section 27.

Clause 14.- In item (h) of sub clause (3) of this clause for the words "improvement of cattle", the words take measures for the improvement of cattle" may be substituted.

Clause 15.- In Section 54A (1) proposed to be inserted by this clause for the words "in the case of the latter the words "in respect of an application by a Village Panchayet" may be substitute

Clause 17.- In clause (d) of section 65 proposed to be substituted, the letter "(d)" may be omitted and the word "for" may be inserted after "Government".

Proviso (2) in the same clause may be deleted being unnecessary.

Clause 18.

We consider that it is unnecessary to provide in the Regulation itself the details of the method of determining - whether any portion of the railway cess is required for expenditure on the construction of a railway or tramway as stated in ~~sub~~-clause (2) of proposed sub-section 4 of Section 68. It will be quite enough to state that the cess may be utilised for the construction of new roads, etc., provic it is not required for expenditure on the purposes specified in sub-section (3). Since the fund can be diverted ~~on any such~~ for expenditure only with the previous approval of the Government, there will be scope for the Government to investigate the traffic prospects of the railway or tramway concernes and ascertain if it will be a profitable one or otherwise. We therefore suggest that ~~sub~~-clause (2) of sub-section 4 of section 68, as proposed in the bill be deleted and instead of ~~sub~~-clause (1) of section, the words "expenditure on the purposes specified in sub-section (3)" be substituted. In the Explanation to this clause the words: "to roads" after the words "improvement works may be deleted.

Clause 19.-We consider that it is unnecessary to insert in this Regulation a provision on the lines of proposed Section 71 B ~~(b)~~ and that a suitable provision may be inserted in the Land Revenue Code.

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Clause 20.-

(1) In Section 77 (2) proposed to be inserted, the words

"and the Deputy Commissioner shall submit the same to the Government with his remarks, if any, with the least possible delay"

may be omitted.

(2) In Section 77 (3) sub-clause (c), the words "on behalf of the District Board and" shall be inserted before the words "any other local authority."

(3) Section 79 (3) is redrafted as follows:--

"(3). The District Board shall, at the first general meeting held after the audit of the past official year's accounts pass such accounts."

(4) In Section 79 A (2), the word "audit" may be substituted for the words "their office".

(5) In Section 79 (F), the words "and shall be" have to be inserted before the words "credited".

NOTIFICATION.

No. 3898—L. C., Bangalore, dated 14th May 1936.

Under Standing Order No. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill further to amend the Mysore District Boards Regulation, 1926, is published for general information.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Report of the Select Committee on the Bill further to amend the Mysore District Boards Regulation, 1926.

We, the undersigned members of the Select Committee to which the Bill to further amend the Mysore District Boards Regulation was referred, have considered the Bill at two sittings held on 20th March 1936 and 1st May 1936 and have the honor to submit this our report.—

Clause 2.—The term "general election" is well understood and we consider that it may be used instead of the expanded phraseology "election of members in place of those whose term of office expires under section 24," as proposed in the Bill.

Clauses 4 and 5.—Section 10 relates to disqualification of voters, Section 11 to disqualification of candidates and Section 26 to disqualification of members after election.

In the bill it is proposed to remove the disqualifications in respect of voters and to prescribe them in regard to members of the District Board. There will arise three classes of disqualifications, *viz.*, one for members under section 10 as proposed to be amended, one for candidates under section 11 and another for members after election.

The wording is somewhat wanting in clarity and some of the provisions are overlapping. Some of the qualifications or disqualifications prescribed for candidates should continue to apply even after election. We consider it desirable to bring all these disqualifications under one

clause on the lines of section 12 of the City Municipalities Regulation. We therefore propose that the following be substituted for sections 10 and 11 and that section 26 be deleted.

DISQUALIFICATION OF MEMBERS.

10. (1) (A) No person may be a member of a District Board—

(*a*) who has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed, or quashed, or

(*b*) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*c*) who has been dismissed from municipal, district board or Government service, such dismissal having been notified as debarring him from re-employment, or

(*d*) who was a legal practitioner whose sannad has been withdrawn by the High Court, or

(*e*) who has been removed from office under section 27, or

(*f*) who is a legal practitioner whose sannad has been suspended by the High Court, or

(*g*) who is an undischarged insolvent, or

(*h*) who is less than twenty-one years of age, or

(*i*) who is of unsound mind, or

(*j*) who is a judge, and

(B) No person,

(*a*) who is a salaried officer or servant of a district board, or

(*b*) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a district board, or in any contract or employment with, or under, or by, or on behalf of a district board, or

(*c*) who is employed as paid legal practitioner on behalf of a district board or accepts employment as legal practitioner against a district board,

may be a member of such district board.

Provided that—

(*a*) the disqualification in sub-clause (*b*) of clause A will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(*b*) the disqualification in sub-clauses (*a*), (*c*), (*d*) and (*e*) of clause A will cease to operate after the expiry of three years from the date of such sentence, dismissal, withdrawal or removal or earlier by an order of the Government;

(*c*) a person shall not be deemed to have incurred disqualification under clause B (*b*) by reason of his

(i) having a share in any joint-stock company or a share or interest in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies' Regulation, 1918, which shall contract with or be employed by or on behalf of the district board; or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the district board may be inserted, or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the district board.

(2) If any member of a district board during the term for which he has been elected or appointed—

(*a*) becomes subject to any disqualification specified in sub-section (1), or

(*b*) votes or takes part as a councillor in the discussion of any matter in which he has directly or indirectly by himself or his partner any such share or interest as is described in sub-clauses (1) and (2) of clause (*c*) of the proviso to sub-section (1), or

(*c*) not being a salaried servant of the Government absents himself for more than four consecutive months from the district for which the board is established unless leave so to absent himself, which shall not exceed six months, has been granted by the board, or absents himself for six consecutive months from meetings of the board,

He shall be disabled from continuing to be a member and his office shall become vacant.

(3) If any question or dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute or doubt.

11. Every person whose name is entered in the list prepared under section 8 for a constituency and who is not disqualified to be a member of the district board shall be qualified to be a candidate at any election in such constituency provided that a person who is already a member of the district board shall not be entitled to be a candidate at a bye-election held before the expiry of his term of office as member of such district board."

Clause 9.—In consequence of the amendment proposed of sections 10 and 11, section 26 has to be deleted.

Clause 10.—Section 27 may be renumbered as section 26 and the proposed section 27 (A) may be numbered as section 27.

Clause 14.—In item (h) of sub-clause (3) in this clause, for the words "improve breed of cattle", the words "take measures for improvement of cattle" may be substituted.

Clause 15.—In section 54A (1) proposed to be inserted by this clause, for the words "in the case of the latter", the words "in respect of an application by a Village Panchayet" may be substituted.

Clause 17.—In clause (d) of section 65 proposed to be substituted, the letter "(d)" may be omitted and the word "for" may be inserted after "Government"

Proviso (2) in the same clause may be delet unnecessary.

Clause 18.—We consider that it is unnecessary to provide in the Regulation itself the details of the method of determining whether any portion of the railway cess is required for expenditure on the construction of a railway or tramway as stated in clause (2) of proposed sub-section 4 of section 68. It will be quite enough to state that the cess may be utilised for the construction of new roads, etc., provided it is not required for expenditure on the purposes specified in sub-section (3). Since the fund can be diverted for such expenditure only with the previous approval of the Government, there will be scope for the Government to investigate the traffic prospects of the railway or tramway concerned and ascertain if it will be a

profitable one or otherwise. We therefore suggest that clause (2) of sub-section (4) of section 68, as proposed in the bill be deleted and instead of clause (1) therein the words "expenditure on the purposes specified in sub-section (3)" be substituted. In the Explanation to this clause the words: "to roads" after the words "improvement works" may be deleted.

Clause 19.—We consider that it is unnecessary to insert in this Regulation a provision on the lines of proposed section 71 B and that a suitable provision may be inserted in the Land Revenue Code.

Clause 20.—(1) In section 77 (2) proposed to be inserted, the words "and the Deputy Commissioner shall submit the same to the Government with his remarks, if any, with the least possible delay" may be omitted.

(2) In section 77 (3) sub-clause (c), the words "on behalf of the District Board and" shall be inserted before the words "any other local authority"

(3) Section 79 (3) is redrafted as follows:—

"(3) The District Board shall at the first general meeting held after the audit of the past official year's accounts, pass such accounts."

(4) In section 79 A (2), the word "audit" may be substituted for the words "their office".

(5) In section 79 (F), the words "and shall be" have to be inserted before the word "credited".

(Sd.) N. MADHAVA RAU (Chairman).
" K. V. ANANTARAMAN.
" A. V. RAMANATHAN.
" H. V. RAMASVAMI.
" M. VENKATANARANAPPA.
" MOHAMED ABBAS KHAN.
" S. C. MALLIAH.
" G. CHANNAPPA } (Subject
" H. B. GUNDAPPA } to a note).

Note by Messrs. G. Channappa and H. B. Gundappa.

We, the undersigned members, beg to append herewith the following note to the Select Committee Report :—

In clause 7(1), the amending bill provides for the President or the Vice-President to take charge of his office only from the date of notification of his election or appointment. The reason for this change seems to make the present clause more definite and clear and therefore we are of opinion that this provision could be made equally clear and definite by providing that the President or Vice-President should enter upon his duties soon after he is declared elected. In most of the British Indian Provinces, the practice is that the President or Vice-President will take charge of his office soon after he is declared elected and we are strongly of opinion that similar provision would be better than the present clause. We don't think that there is any necessity for the Government to take this power of indirectly approving the elections. Such a power is neither healthy nor good in the development of self-governing institutions.

In clause 12, the words "loss or waste" are sought to be introduced for "mis-application" and we are of opinion that these words are very wide in their meaning and may therefore cause a good deal of trouble in their actual application. We are therefore definitely against the proposed change.

In clause 14(n) we are of opinion that it is not necessary to make it incumbent that the resolution should be supported by one-half of the total number of the members of the Board, because there is already the safe-guard of obtaining a previous sanction of Government to all such resolutions. Either it may be left to the absolute majority of the Board without providing for any previous sanction of Government or it may be left to the ordinary majority of the Board in which case the previous sanction of Government shall be obtained to the resolution of the Board. We feel that two safe-guards that are provided now are quite unnecessary and may work a great hardship in actual working.

In clause 54 A(1) the word "Village Panchayet" should be omitted. We are strongly of opinion that the control of markets should vest in one body, *i.e.*, District Board and the introduction of dual control is neither good

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nor sound. It is therefore urged that this point will be carefully reconsidered and accepted by the Government.

We are strongly of opinion that in Clause 77(2) and in Clause 79 H (1) the words "Through the Deputy Commissioner" should be omitted. At present the Government have ordered that all correspondence between Government and the President of District Board should pass through the Deputy Commissioner and we are contending all along that there is no need for such a procedure. As far as we are aware, this practice is not followed in British India—at any rate, not so in Madras Presidency—and therefore we strongly urge that this practice should be put an end to as early as possible. The chief reason for the Government to insist on this procedure, seems to be that the Deputy Commissioner who is the District representative of Government, should be kept informed of all that is happening in the District Board. We do not know if there is any need for such a contention and even, if there is, this can be achieved by asking the Presidents to send copies of all their communications sent to Government to the Deputy Commissioners also. But we feel that there is no need even for such a procedure and if the Government want to consult the Deputy Commissioners on any point, they may do so by calling for their opinion separately whenever they feel it necessary to do so. We therefore strongly urge upon the kind attention of Government that this practice may be put an end to as early as possible.

This bill is mainly based on the City Municipal Regulation and we beg to point out that there is no such procedure or practice with regard to correspondence which passes between the President of a City Municipality and Government. Such being the case, we do not see any reason that this practice should be insisted upon in the case of District Board Presidents.

In clause 79 D(2) the Deputy Commissioner is the officer who is responsible for sur-charging the amount of any deficiency or loss incurred by negligence or misconduct, etc. We feel that it would not be in the interest of smooth administration of the District Boards if the Deputy Commissioner is made the authority for the same and we feel that the Government would be a better authority for this purpose. We therefore strongly urge that the Government be made responsible to pass orders under this chapter instead of the Deputy Commissioner.

We are of opinion that in clause 79 H(2) the words "subject to the approval of Government" be omitted.

In Section 100 A, the Government have proposed to take power to delegate all or any of its powers to any officer subordinate to it. We are strongly opposed to this clause firstly because the status of the officer to whom such powers can be delegated is not defined nor restricted and secondly because we feel that the Government should not delegate any of its powers to any officers subordinate to it. There is no such provision in the old Regulation and the Government have been all along exercising all these powers and we do not see any reason for delegating such powers to any other officer however high he may be at present. It would be in the interest of District Boards that all these powers should be strictly exercised by Government. We therefore strongly urge that this clause be omitted.

If for any reason the Government cannot accept them, we suggest as an alternative, that the status of the officer to whom such powers can be delegated should not be below a Provincial Officer or of Head of a Department and it would be better if a qualifying clause to that effect is added in the Regulation itself. But it would be in the best interest of all, that the Government should not delegate its powers to any officer and therefore strongly urge for the present that this clause may be omitted

Although this amending bill has tried to make clear certain provisions, it cannot be said that it has in any way widened its scope or enlargened the powers and privileges of non-officials. On the other hand, it has tried to impose certain restrictions on them. We are sorry to note that the Government seem to think that there is a necessity for their own representative, *i.e.*, the Deputy Commissioner, to be always watching the doings of District Board or their heads, the non-official Presidents. There are enough safeguards in the Regulation itself and the powers of Government are quite adequate and wide enough to deal with any kind of mal-administration. Such being the case, any further restrictions may not help the growth and development of the self-governing institutions.

We may make it clear that we are not opposed to make suitable provisions for sur-charges, etc., but we only differed with regard to certain details. While we welcome all safeguards, which would instil the growth of healthy

administration, we wish that this amending Bill had contained more liberal provisions which would go to enlarge the powers of the non-officials, such as widening the franchise, increasing elected element in the Boards and doing away altogether with the system of making nominations. Even the Municipal Regulations, on which this bill seems to have been based, have contained better provisions in this respect, and we regret to find that this Bill is absolutely silent on these points. If the bill had contained such provisions, certainly it would have been more acceptable to non-officials.

(Sd.) G. CHANNAPPA

H. B. GUNDAPPA.

Bill further to amend the Mysore District Boards Regulation, 1926.

AS AMENDED BY THE SELECT COMMITTEE.

[Additions are indicated in italics and omissions are enclosed in square brackets.]

Preamble. Whereas it is expedient further to amend the Mysore District Boards Regulation, 1926; It is hereby enacted as follows:—

Amendment of section 8. 1. In section 3 of the Mysore District Boards Regulation, 1926, (hereinafter referred to as the said Regulation) the following definitions shall be added: namely:—

(5) "Dangerous disease" means cholera, plāgue, small-pox and any endemic or epidemic or infectious disease by which the life of man is endangered.

(6) "Market" means a place where goods or animals are publicly exposed or brought for sale periodically.

(7) "Public ferry" means a ferry used for the conveyance for hire of any passenger, animal, cart, carriage or other vehicle or goods.

(8) "Private market" means a market other than a public market.

(9) "Public market" means a market which a District Board opens under section 54 or a market the control over which is or may be vested in a Village Panchayet by the Government.

Amendment of section 8. 2. In sub-section (2) of section 8 of the said Regulation, for the words "whenever a date has been fixed for any election of persons to fill the places of persons whose term of office has expired," the words "for every *general* election [of members in place of those whose term of office expires under section 24] " shall be substituted.

Amendment of section 9. 3. In section 9 of the said Regulation, for the words "and who is not subject to any disqualification specified in section 10 or any other provision of this Regulation or the rules thereunder," the words "and who is not of unsound mind" shall be substituted.

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[4. In section 10 of the said Regulation, for the word "vote" occurring in the first line, the words "be a member" shall be substituted. Amendment of section 10.

5. In section 11 of the said Regulation,— Amendment of section 11.

(i) the following words shall be inserted after the the words "or on behalf of the District Board" and before the words "may be a candidate":—

"and any person who is not employed as paid legal practitioner on behalf of a District Board or does not accept employment as legal practitioner against a District Board."

(ii) The word "or" at the end of proviso (*c*) and proviso (*d*) shall be omitted.]

Disqualification of members.

4. For Sections 10 and 11 of the said Regulation the following shall be substituted.

10. (1) (A) No person may be a member of a District Board—

(a) who has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed, or quashed, or

(b) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(c) who has been dismissed from municipal, district board or Government service, such dismissal having been notified as debarring him from re-employment, or

(d) who was a legal practitioner whose sannad has been withdrawn by the High Court, or

(e) who has been removed from office under section 27, or

(f) who is a legal practitioner whose sannad has been suspended by the High Court, or

(g) who is an undischarged insolvent, or

(h) who is less than twenty-one years of age, or

(i) *who is of unsound mind, or*

(j) *who is a judge, and*

(B) *No person,*

(a) *who is a salaried officer or servant of a district board, or*

(b) *who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a district board, or in any contract or employment with, or under, or by, or on behalf of a district board, or*

(c) *who is employed as paid legal practitioner on behalf of a district board or accepts employment as legal practitioner against a district board,*

may be a member of such district board.

Provided that—

(a) *the disqualification in sub-clause (b) of clause A will cease to operate after the expiry of the period during which a person is ordered to furnish security,*

(b) *the disqualification in sub-clauses (c), (d) and (e) of clause A will cease to operate after the expiry of three years from the date of such sentence, dismissal, withdrawal or removal or earlier by an order of the Government ;*

(c) *a person shall not be deemed to have incurred disqualification under clause B (b) by reason of his*

(i) *having a share in any joint-stock company or a share or interest in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by or on behalf of the district board, or*

(ii) *having a share or interest in any newspaper in which any advertisement relating to the affairs of the district board may be inserted, or*

(iii) *holding a debenture or being otherwise concerned in any loan raised by or on behalf of the district board,*

(2) *if any member of a district board during the term for which he has been elected or appointed—*

(a) *becomes subject to any disqualification specified in sub-section (1), or*

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(b) votes or takes part as a councillor in the discussion of any matter in which he has directly or indirectly by himself or his partner any such share or interest as is described in sub-clauses (1) and (2) of clause (c) of the proviso to sub-section (1), or

(c) not being a salaried servant of the Government absents himself for more than 4 consecutive months from the district for which the board is established unless leave so to absent himself, which shall not exceed six months, had been granted by the board, or absents himself for six consecutive months from meetings of the board

he shall be disabled from continuing to be a member and his office shall become vacant.

(3) If any question or dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute or doubt.

11. *Every person whose name is entered in the list prepared under section 8 for a constituency and who is not disqualified to be a member of the district board shall be qualified to be a candidate at any election in such constituency provided that a person who is already a member of the district board shall not be entitled to be a candidate at a bye-election held before the expiry of his term of office as member of such district board.*

[6] 5. At the end of sub-section (5) of section 14 of the said Regulation, the following explanation shall be inserted :— Amendment of section 14.

"*Explanation.*—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or the rules made thereunder whereby the result of election has been materially affected."

[7] 6. The following shall be substituted for section 23 :— Substitution of a new section for section 23.

" (1)—The term of office of every President or Vice-President shall commence from the date of notification of his election or appointment and shall, save as otherwise provided for in this Regulation, cease whenever he ceases to be a member of the District Board over which he presides ; Term of office of President and Vice-President and their liability to removal.

Provided that he shall, after an opportunity is afforded for hearing him, be removable from office as such President or Vice-President by the Government for misconduct or neglect of or incapacity to perform his duty or if he is unable to pay his debts or in the case of any elected or nominated President or Vice-President for not commanding the confidence of the Board to be evidenced by a resolution of the District Board in favour of which not less than two-thirds of the whole number of members of such Board have given their votes at a meeting specially convened for the purpose.

Explanation.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any Court for the payment of money.

Casual vacancies in their office how to be filled up.

(2) In the event of any vacancy occurring in the office of a President or Vice-President, by death, resignation, removal or otherwise, the vacancy shall be filled up as soon as conveniently may be, by the election or appointment of some other member of the Board thereto.

Substitution of a new section for section 25.

[8] 7. For section 25 of the said Regulation, the following shall be substituted, namely :—

Resignation of office as member of Board, Vice-President or President.

"25. A member of a District Board other than the President may resign his membership and a Vice-President may resign his office as Vice-President by giving notice in writing to that effect to the President and such resignation shall take effect from the date of the notice. The President may resign his membership or his office as President by giving a notice in writing to that effect to the Government and if such resignation is accepted, it shall take effect from the date on which the intimation of such acceptance reaches the office of the President."

Amendment of section 26.

[9. In clause (*a*) of sub-section (1) of section 26 of the said Regulation, for the words "disqualified under," the words "subject to any disqualification specified in" shall be substituted and in clause (*c*) of the same sub-section, the words "without the leave of the Board" shall be omitted.]

8. Section 26 of the said Regulation shall be omitted.

Addition of new section as 27-A.

[10. Between sections 27 and 28 of the said Regulation, the following new section shall be inserted, namely]:—

9. Renumber Section 27 as 26 and after the section so renumbered the following new section shall be inserted as Section 27:—

"27 [A]. In the event of a vacancy occurring by increasing the number of members of a District Board under section 6, such vacancy shall be filled up, as soon as conveniently may be, by the election or appointment as the case may be, of a person thereto who shall hold office till the next general election or for such period as the Government may in this behalf notify in the official Gazette." Casual vacancies occurring by increasing the number of members.

[11] *10.* Sub-section (3) of section 30 of the said Regulation shall be numbered as sub-section (4), the following new sub-section being inserted between sub-sections (2) and (4), namely :— Amendment of section 30.

" (3) Every member shall have access to the records of the District Board or of any Committee after giving due notice to the President, provided that the President may, for reasons given in writing, forbid such access.'

[12] *11.* In the proviso to section 37 of the said Regulation, the words " loss or waste " shall be inserted after the word " misapplication " wherever it occurs. Amendment of section 37.

[13] *12.* In sub-section (1) of section 40 of the said Regulation, the words ' or with any Village Panchayet' shall be inserted after the words ' Municipal Council ' in line 2 thereof and the words ' or Panchayet ' and ' or Panchayets ' shall be inserted after the words ' Council ' and ' Councils ' respectively in lines 3 and 7.

[14] *13.* In section 45 of the said Regulation—

(1) For the words beginning with " Every District Board " and ending with " subject to its authority " in sub-section (1), the following shall be substituted, namely :—

" It shall be the duty of every District Board to make subject to such exceptions and conditions as may, from time to time, be made or imposed by the Government in this behalf, reasonable provision for the following matters within the area under its jurisdiction and when effective provision cannot otherwise be made, outside that area " Amendment of section 45.

(2) The word " schools " in clause (*c*) and the whole of clauses (*h*), (*j*), (*l*) (*m*) and (*n*) of sub-section (1) of the said section shall be deleted.

(3) The word " and " at the end of clause (*c*) of sub-section (2) of the said section shall be omitted and

the following new clauses shall be inserted after clause (*d*) thereof :—

(*e*) promote development of economic condition with special reference to Agriculture and Industries and Commerce;

(*f*) encourage local arts and industries and grant loans for this purpose subject to the rules made by the Government in this behalf;

(*g*) institute, hold and manage fairs, cattle and agricultural shows and industrial exhibitions;

(*h*) [improve breed] *take measures for improvement* of cattle;

(*i*) pay travelling allowances to members of the District Board or any committee thereof subject to the rules prescribed in this behalf;

(*j*) provide motor and other transport facilities for the carriage of the public or guarantee from the district fund such sums as the District Board shall think fit as interest on capital expended by the Government or a company for this purpose and grant loans for providing capital for this purpose;

(*k*) organise and maintain, in time of famine or scarcity, relief and local relief works and shops or stalls for the sale of necessaries of life;

(*l*) provide accommodation for any class of servants employed by the District Board and grant loans to such servants for construction of houses subject to the rules and conditions prescribed by the Government in this behalf;

(*m*) contribute towards any public fund raised for the relief of human suffering within or without the area under the authority of the District Board;

(*n*) by a resolution passed at a meeting and supported by one-half of the whole number of members of the Board and with the previous sanction of the Government, arrange for any public reception, ceremony or entertainment; and

(*o*) undertake any other matter not hereinbefore specifically named which is likely to promote the public health, safety or convenience or which is necessary for the carrying out of this Regulation, expenditure whereon is resolved by the District Board by the votes of not less than one-half of the whole number of members of the District Board and with the approval of the Government to be an appropriate charge on the district fund.

[15] *14.* For section 54 of the said Regulation, the following sections shall be substituted, namely :— Amendment of section 54.

"54 (1) No public ferry shall after the commencement of this Regulation be newly established or closed without the sanction of the Government and no person shall keep open a public ferry which has been entrusted to the charge of the District Board without a license from the District Board; Public ferries.

(2) Whoever contravenes the provisions of this section shall, on conviction by a Magistrate, be punished with fine which may extend to five hundred rupees;

(3) Nothing in sub-sections (1) and (2) shall be deemed to apply to any person specially hiring a boat for the conveyance of himself or his family or friends or servants or goods or to the person letting such boat for hire for the said purpose."

"54-A (1) No market, either private or public, and no jatras, fairs, agricultural and cattle shows and exhibitions except those which are managed by muzrai and other officers authorised by the Government in this behalf shall be newly established in any area under the authority of a District Board or a Village Panchayet without the previous sanction of the Government which, [in the case of the latter,] *in respect of an application by a Village Panchayet* will be accorded after previous consultation with the District Board concerned.

(2) The grant of permission under the last preceding sub-section shall be subject to such conditions, and restrictions as the Government may lay down generally in respect of all such institutions as are referred to in sub-section (1) or specially in the case of any particular institution or class of institutions.

(3) No person shall open a new private market or continue to keep open a private market unless he obtains from the District Board a license to do so.

(4) No person shall sell or expose for sale any article or animal in any unlicensed private market;

(5) Whoever contravenes the provisions of this section shall, on conviction by a Magistrate, be punished with fine which may extend to five hundred rupees.

(6) If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing or live-stock or poultry or cotton, ground-nut

or other industrial crops or any other raw or manufactured products, is a market or not, the local authority concerned shall make a reference to the Government and the decision of the Government on the question shall be final."

Amendment of section 56.

[16] *15.* In sub-section (3) of section 56 of the said Regulation, between the words "shall" and "be punished" the words "if not punishable under any other section of this Regulation," shall be inserted.

Substitution of a new section for section 65.

[17] *16.* For section 65 of the said Regulation, the following shall be substituted, namely,—

Application of district fund and property.

"65. The district fund and all property held by or vested in the District Board under this Regulation, shall be applied, subject to the provisions of this Regulation for the payment of:—

(*a*) the salaries, allowances, pensions and gratuities of its officers and servants,

(*b*) any amounts falling due on any loans contracted by the board,

(*c*) expenses incurred—

(i) for holding elections to the District Board under this Regulation,

(ii) for the purposes specified in section 45, and

(iii) all other purposes for which by or under this Regulation or the rules or bye-laws thereunder or any other law for the time being in force, powers are conferred or duties imposed upon the District Board, and

[(*d*)] (*iv*) with the previous sanction of the Government, *for* any other purpose for which the application of such property or fund is in the public interest.

Provided that-

[(1)] any funds granted to the District Board by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf.

[(2) The Deputy Commissioner shall determine the amount of expenses to be incurred for holding elections referred to in clause (*c*) of sub-section (1) and his determination shall be final and binding on the District Board.]

[18] *17.* The following shall be substituted for sub-section (4) of section 68 of the said Regulation :— Substitution of a new sub-section for sub-section (4) of section 68.

"(4) The whole or any portion of the cess or the interest or other income derived from investment thereof in a bank or in securities or on construction of a railway or tramway may, with the previous approval of the Government and subject to such orders as may be made by it, be utilised for the construction of new roads and bridges or for improvement works to existing roads and bridges in the district, provided it is not required immediately or in the near future for,

[(*i*)]—expenditure on the purposes specified in [clauses (*b*) and (*c*) of] sub-section (3), [or]

[(*ii*) expenditure on the construction of any railway or tramway, the earnings from which have, as a result of an investigation of the traffic prospects of the said railway or tramway, been ascertained as sufficient to meet the working expenses of the said railway including provision for depreciation and renewals and to yield in addition on the capital invested, an interest of not less than 3 per cent annually.]

Explanation.—The expression 'improvement works [to roads] ' in this sub-section includes the widening of roads, the levelling of roads, the provision of improved surfacing to roads by treatment with cement, tar, bitumen and such other materials, and the doing of any other works in respect of roads beyond ordinary repairs essential to placing them in a proper state of repair.

[19] *18.* After section 71 of the said Regulation, the following new section [s] shall be inserted, namely :— Addition of new sections 71-A and 71-B

"71-A. When any fee has been imposed under section 70 or has been leased under section 71, any person employed by the District Board or lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it. Power to expel persons who refuse to pay fees.

["71-B. When a cess is imposed under the provisions of sections 68 and 69, every tenant of land in respect of which or in respect of the assessment on which the

cess is imposed shall be liable in addition to his rent to pay to his superior holder from whom the cess is recoverable, a sum calculated on the basis of the amount to be re-imbursed to the superior holder in respect of the cess imposed as aforesaid and such sum shall be recoverable as though it were part of his rent."]

Substitution of new sections for sections 76 to 79 under a new chapter.

[20] *19.* For sections 76, 77, 78 and 79 of the said Regulation, the following sections under a new chapter shall be substituted, namely :—

'CHAPTER VI-A.

District Fund Accounts and Administration Reports.

Prohibition of expenditure not budgetted for.

76. Except as hereinafter provided, no payment of any sum shall be made out of the district fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely :—

(*a*) refunds of taxes and other moneys which the District Board is authorised by the Regulation or the rules made thereunder to make;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the district fund by mistake;

(*c*) sums which the District Board is required or empowered by this Regulation to pay by way of compensation;

(*d*) every sum payable,

(i) under section 95 by order of the Deputy Commissioner and under sections 39, 96 and 98 by order of the Government,

(ii) under a decree or order of a civil court passed against the District Board,

(iii) under a compromise of any suit or other legal proceedings or claim;

(*e*) expenses incurred in the exercise of power conferred by bye-laws made under clause (*e*) of sub-section (1) of section 57 ;

(*f*) all contributions payable by the District Board to the Government for the maintenance of water-supply dispensaries and other institutions managed by the

Government on behalf of the District Board or on behalf of the District Board and any other local authority or authorities.

77. (1) The Standing Committee shall have prepared and laid before the District Board at its quarterly meetings complete accounts of the receipts and expenditure of the District Board since the first day of July last preceding and at a meeting which shall be held between the first day of February and the first day of April, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtieth day of June next following together with a budget estimate of the income and expenditure of the District Board for the official year to commence on the first day of July next following. Presentation of accounts.

(2) The District Board shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of July next following. The budget as passed by the District Board shall be sent to the Government through the Deputy Commissioner before such date as may be fixed by the Government, [and the Deputy Commissioner shall submit the same to the Government with his remarks, if any, with the least practicable delay]. Budget estimate.

(3) In such budget estimate, the District Board shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the District Board by this Regulation or any other law ;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the District Board may be liable in respect of loans contracted by it ;

(*c*) provide for the payment of all sums payable to the Government under section 39 and of all contributions for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the District Board and *on behalf of the District Board and* any other local authority or authorities;

(*d*) allow for a balance at the end of the said year of not less than such sum as may, from time to time, be fixed by the Government generally for all District Boards or specially for any District Board ;

(4) If the budget as submitted fails to make adequate provision for the matters specified in sub-section (3), the Government may, in according sanction, modify any part of the budget so as to ensure that such provision is made

Revision of budget.

78. If, in the course of the official year, the District Board finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that, without the approval of the Government-

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 77; and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 77.

Maintenance of accounts and restrictions on expenditure.

79. (1) Accounts of the income and expenditure of the district fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the district fund shall, save as otherwise expressly provided for in this regulation, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The District Board shall, at the *first* general meeting [in July, or] *held after the* audit of the past official year's accounts, [if such audit has not before that general meeting taken place,] pass [the] *such* accounts [of the past official year].

79-A. (1) The district fund accounts shall, from time to time, and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be appointed by the District Board.

(2) The auditor or auditors shall for the purposes of [their office,] *audit* have access to all the accounts and other records of the D

(3) The District Board shall pay from the district fund such charges for the audit as may be agreed upon and in the case of a Government auditor, such charges as may be prescribed by the Government

Powers of Government auditor.

79-B. The Government auditor may— (1)

(*a*) by written requisition require the production before him of any document which one may consider necessary for the proper conduct of his audit[illegible]

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

79-C. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the Standing Committee a report upon the audit of the district fund accounts,

(*b*) report to the Standing Committee and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the District Board or in the district fund accounts; and

(*c*) report to the Standing Committee and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the District Board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste;

Standing Committee to remedy defects.

(2) The Standing Committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Disallowance by Government auditor and order by Deputy Commissioner.

79-D. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

(2) The Deputy Commissioner may, on the report of the auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

79-E. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section

may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application, the person so aggrieved may, within the like period, appeal to the Government who shall pass such orders as it thinks fit.

Recovery of amounts disallowed.

79-F. Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the District Board within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue along with the necessary expenses of such recovery *and shall be* credited to the district fund.

Transmission of accounts to Government.

79-G. The District Board shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may, from time to time, direct.

Annual Administration Report.

79-H. (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the President shall submit to Government through the Deputy Commissioner, a report on the administration of the Board during the preceding official year in such form and with such details, as the Government may direct, with the resolution of the District Board thereon.

(2) The report may be published in such manner as the District Board, subject to the approval of the Government, may direct.

Amendment of section 94.

[21] *20.* In sub-section (1) of section 94 of the said Regulation, after the words "breach of peace" the words or is unlawful" shall be inserted

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[22] *21.* (1) After the word "balance" at the end of sub-section (2) of section 95 of the said Regulation, the words "and such person shall be bound to comply with such order" shall be inserted. Amendment of section 95.

(2) For sub-section (3) of the said section, the following shall be substituted, namely :—

"The provisions of sub-section (2) of section 94 shall apply, so far as may be, to any order made under this section."

[23] *22.* In sub-section (1) of section 96 of the said Regulation, after the words "by or under this Regulation," the words "or by or under any enactment for the time being in force," shall be inserted and after the word "balance" at the end of sub-section (3) of the said section, the words "and such person shall be bound to comply with such order" shall be inserted. Amendment of section 96.

[24] *23.* Section 98 of the said Regulation shall be treated as sub-section (1) thereof and the following shall be inserted as sub-section (2) namely :— Amendment of section 98.

"(2) No suit shall be entertained by a Civil Court in respect of any dispute referred to in sub-section (1)."

In sub-section (1) as re-numbered, the words 'or Village Panchayets' shall be inserted after the words 'Municipal Councils.'

[25] *24.* (1) In sub-section (2) of section 100 of the said Regulation, after the word "Committees" in clause (*c*), the words "and to the interpellation of the President by the members and to the moving of resolutions at meetings of District Boards" shall be inserted. Amendment of section 100.

(2) For clause (*n*) of the said sub-section, the following clause shall be substituted, namely :—

"(*n*) as to the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom."

(3) Clause (*r*) of the said sub-section shall be re-numbered as clause (*s*), the following new clause being inserted after clause (*q*), namely :—

"(*r*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of

conviction or any subsequent date, as may be fixed by the Magistrate.

Addition of a new section as 100 A.

[26] *25.* After section 100 of the said Regulation, the following new section shall be inserted, namely,

Delegation of powers by Government.

"100A. The Government may delegate all or any of its powers under this Regulation to any officer subordinate to it."

Amendment of section 106.

[27] *26.* Section 106 of the said Regulation shall be treated as sub-section (1) thereof and the following shall be inserted as sub-section (2) thereof, namely :—

"(2) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877 as in force in Mysore."

Amendment of section 108.

[28] *27.* After sub-section (2) of section 108 of the said Regulation, the following sub-sections shall be inserted, namely :

"(3) Nothing contained in this section shall prevent the District Board allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, and in such manner as not to inconvenience the public or any individual

(4) Nothing contained in this section shall apply to any projection duly authorised by the District Board or in any case where permission has been given under sub-section (3) of this section."

Amendment of schedule II.

[29] *28.* In clause (*a*) of schedule II of the said Regulation, between the words "As" and "a", the words "a slaughter-house or as" shall be inserted.

Printed by the Superintendent at the Government Press, Bangalore.

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THE MYSORE LEGISLATIVE COUNCIL.

Budget Session - June 1936.

BILL TO FURTHER AMEND THE DISTRICT BOARDS REGULATION, 1926.

AMENDMENTS.

1. In clause 6(1) omit the words "of notification" after the word "date".

2. The entire clause 11 be omitted.

3. In clause 13(N) the words "and supported by one half of th whole number of the members of the Board" ~~should~~ be omitted.

4. In clause 14 and in Section 54 -A (1) the words "which, in respect of an application by a village panchayet will be accorded after previous consultation with the District Board concerned" be omitted

5. In Chapter VI-A, in Section 77(2) and in section 79(H) the words "through the Deputy Commissioner" ~~shall~~ be omitted.

6. In Section 79(d), (1), (2) and (3) for the words "Deputy Commissioners" wherever they occur, the words "Comptroller, to the Government of Mysore" ~~shall~~ be substituted.

7. In Section 79(e) for the words "Deputy Commissioner" ~~xxxx~~ they occur, the word "Comptroller" shall be substituted.

8. In Clause 79 (F) for the words "Deputy Commissioner" ring after the words "any person by the" the word

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"Comptroller" ~~shall~~ be substituted.

9. In clause 79 (H)(2) the words "subject to the approval of the Government" be omitted.

10. The entire clause 100 (A) be omitted.

11. In Section 79 D(1), (2) and (3) and in Section 79 (E) for the words "Deputy Commissioner" wherever they occur, the words "Government" ~~shall~~ be substituted.

12. In Section 79 (E) the words "or in lieu of such application, the person so aggrieved may, within the like period, appeal to the Government who shall pass such orders as it thinks fit" be omitted.

13. In Section 79 (F) for the words "The Deputy Commissioner" which occur after the words "any person by the" the word "Government" ~~shall~~ be substituted.

14. In Section 79(F) the words "or to the Government" occurring after the word "court" and the words "or the Government" occurring after the word "court" ~~shall~~ be omitted.

Mover: MR. G. CHANNAPPA.

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PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Order No. P854 Legis 9-36-1 Dated Bangalore, 31.7. 1936.

Ordered that the accompanying Regulation for amending the Mysore District Boards Regn which received the assent of His Highness the Maharaja, on the fourteenth day of July 1936 be published as Regulation No. V of 1936, in the Mysore Gazette for general information.

Secretary to Government,
Local and Legislative Departments.

To—The Compiler, Mysore Gazette, for publication in Part ~~III~~ IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada as per standing orders. Proofs should be sent to this office for approval before publication.

Copy to Translation Branch.

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REGULATION V OF 1936.

(Received the assent of His Highness the Maharaja on the fourteenth day of July 1936.)

Regulation further to amend the Mysore District Boards Regulation, 1926.

Price 0-1-3.

NOTIFICATION.

Order No. P. 854—Legis. 9-36-1, dated Bangalore, the 31st July 1936.

Ordered that the accompanying Regulation further to amend the Mysore District Boards Regulation, 1926, which received the assent of His Highness the Maharaja, on the fourteenth day of July 1936 be published as Regulation No. V of 1936, in the *Mysore Gazette* for general nformation.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION V OF 1936.

(Received the assent of His Highness the Maharaja on the fourteenth day of July 1936.)

Regulation further to amend the Mysore District Boards Regulation, 1926.

Whereas it is expedient further to amend the Mysore District Boards Regulation, 1926; It is hereby enacted as follows:— Preamble.

1. In section 3 of the Mysore District Boards Regulation, 1926, (hereinafter referred to as the said Regulation) the following definitions shall be added, namely:— Amendment of section 3.

(5) "Dangerous disease" means cholera, plague, small-pox and any endemic or epidemic or infectious disease by which the life of man is endangered.

(6) "Market" means a place where goods or animals are publicly exposed or brought for sale periodically.

(7) "Public ferry" means a ferry used for the conveyance for hire of any passenger, animal, cart, carriage or other vehicle or goods.

(8) "Private market" means a market other than a public market.

(9) "Public market" means a market which a District Board opens under section 54 or a market the control over which is or may be vested in a Village Panchayet by the Government.

Amendment of section 8.

2. In sub-section (2) of section 8 of the said Regulation, for the words "whenever a date has been fixed for any election of persons to fill the places of persons whose term of office has expired," the words "for every general election" shall be substituted.

Amendment of section 9.

3. In section 9 of the said Regulation, for the words "and who is not subject to any disqualification specified in section 10 or any other provision of this Regulation or the rules thereunder," the words "and who is not of unsound mind" shall be substituted.

4. For Sections 10 and 11 of the said Regulation the following shall be substituted.

Disqualification of Members.

"10. (*1*) (A) No person may be a member of a District Board—

(*a*) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed, or quashed, or

(*b*) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*c*) who has been dismissed from municipal, district board or Government service, such dismissal having been notified as debarring him from re-employment, or

(*d*) who was a legal practitioner whose sannad has been withdrawn by the High Court, or

(*e*) who has been removed from office under section 27, or

(*f*) who is a legal practitioner whose sannad has been suspended by the High Court,

(*g*) who is an undischarged insolven or

(*h*) who is less than twenty-one years of age. or

(*i*) who is of unsound mind, or

(*j*) who is a judge, and

(*B*) No person,

(*a*) who is a salaried officer or servant of a district board, or

(*b*) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a district board, or in any contract or employment with, or under, or by, or on behalf of a district board, or

(*c*) who is employed as paid legal practitioner on behalf of a district board or accepts employment as legal practitioner against a district board,

may be a member of such district board.

Provided that—

(*a*) the disqualification in sub-clause (b) of clause A will cease to operate after the expiry of the period during which a person is ordered to furnish security,

(*b*) the disqualification in sub-clauses (*a*), (*c*), (*d*) and (*e*) of clause A will cease to operate after the expiry of three years from the date of such sentence, dismissal, withdrawal or removal or earlier by an order of the Government;

(*c*) a person shall not be deemed to have incurred disqualification under clause B (*b*) by reason of his

(*i*) having a share in any joint-stock company or a share or interest in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, 1908, which shall contract with or be employed by or on behalf of the district board, or

(*ii*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the district board may be inserted, or

(*iii*) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the district board ;

(2) if any member of a district board during the term for which he has been elected or appointed—

(*a*) becomes subject to any disqualification specified in sub-section (1), or

(*b*) votes or takes part as a councillor in the discussion of any matter in which he has directly or indirectly by himself or his partner any such share or interest as is described in sub-clauses (i) and (ii) of clause (*c*) of the proviso to sub-section (1), or

(*c*) not being a salaried servant of the Government absents himself for more than 4 consecutive months from the district for which the board is established unless leave so to absent himself, which shall not exceed six months, had been granted by the board, or absents himself for six consecutive months from meetings of the board

he shall be disabled from continuing to be a member and his office shall become vacant.

(3) If any question or dispute or doubt arises whether a vacancy has occurred under this section, the orders of

the Government shall be final for the purpose of deciding such question or dispute or doubt.

"11. Every person whose name is entered in the list prepared under section 8 for a constituency and who is not disqualified to be a member of the district board shall be qualified to be a candidate at any election in such constituency provided that a person who is already a member of the district board shall not be entitled to be a candidate at a bye-election held before the expiry of his term of office as member of such district board."

Amendment of section 14.

5. At the end of sub-section (5) of section 14 of the said Regulation, the following explanation shall be inserted:—

"*Explanation.*—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or the rules made thereunder whereby the result of election has been materially affected."

Substitution of a new section for section 23.

6. The following shall be substituted for section 23:—

Term of office of President and Vice-President and their liability to removal.

"23. (1)—The term of office of every President or Vice-President shall commence from the date of his election or appointment and shall, save as otherwise provided for in this Regulation, cease whenever he ceases to be a member of the District Board over which he presides;

Provided that he shall, after an opportunity is afforded for hearing him, be removable from office as such President or Vice-President by the Government for misconduct or neglect of or incapacity to perform his duty or if he is unable to pay his debts or in the case of any elected or nominated President or Vice-President for not commanding the confidence of the Board to be evidenced by a resolution of the District Board in favour of which not less than two-thirds of the whole number of members of such Board have given their votes at a meeting specially convened for the purpose.

Explanation.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any Court for the payment of money.

Casual vacancies in their office, how to be filled up.

(2) In the event of any vacancy occurring in the office of a President or Vice-President, by death, resignation, removal or otherwise, the vacancy shall be filled up

as soon as conveniently may be, by the election or appointment of some other member of the Board thereto."

7. For section 25 of the said Regulation, the following shall be substituted, namely :— Substitution of a new section for section 25.

"25. A member of a District Board other than the President may resign his membership and a Vice-President may resign his office as Vice-President by giving notice in writing to that effect to the President and such resignation shall take effect from the date of the notice. The President may resign his membership or his office as President by giving a notice in writing to that effect to the Government and if such resignation is accepted, it shall take effect from the date on which the intimation of such acceptance reaches the office of the President." Resignation of office as member of Board, Vice-President or President.

8. Section 26 of the said Regulation shall be omitted.

9. Renumber Section 27 as 26 and after the section so renumbered the following new section shall be inserted as Section 27 :— Addition of new section 27.

"27. In the event of a vacancy occurring by increasing the number of members of a District Board under section 6, such vacancy shall be filled up, as soon as conveniently may be, by the election or appointment as the case may be, of a person thereto who shall hold office till the next general election or for such period as the Government may in this behalf notify in the official Gazette." Casual vacancies occurring by increasing the number of members.

10. Sub-section (3) of section 30 of the said Regulation shall be numbered as sub-section (4), the following new sub-section being inserted between sub-sections (2) and (4), namely :— Amendment of section 30.

" (3) Every member shall have access to the records of the District Board or of any Committee after giving due notice to the President, provided that the President may, for reasons given in writing, forbid such access."

11. In the proviso to section 37 of the said Regulation, the words " loss or waste " shall be inserted after the word " misapplication " wherever it occurs. Amendment of section 37.

12. In sub-section (1) of section 40 of the said Regulation, the words ' or with any Village Panchayet' shall be inserted after the words ' Municipal Council ' in line 2 thereof and the words ' or Panchayet ' and ' or Panchayets ' shall be inserted after the words ' Council ' and ' Councils ' respectively in lines 3 and 7. Amendment of section 40.

Amendment of section 45.

13. In section 45 of the said Regulation—

(1) For the words beginning with "Every District Board" and ending with "subject to its authority" in sub-section (1), the following shall be substituted, namely :—

"It shall be the duty of every District Board to make subject to such exceptions and conditions as may, from time to time, be made or imposed by the Government in this behalf, reasonable provision for the following matters within the area under its jurisdiction and when effective provision cannot otherwise be made, outside that area"

(2) The word "schools" in clause (*c*) and the whole of clauses (*h*), (*j*), (*l*) (*m*) and (*n*) of sub-section (1) of the said section shall be deleted.

(3) The word "and" at the end of clause (*c*) of sub-section (2) of the said section shall be omitted and the following new clauses shall be inserted after clause (*d*) thereof :—

(*e*) promote development of economic condition with special reference to Agriculture and Industries and Commerce;

(*f*) encourage local arts and industries and grant loans for this purpose subject to the rules made by the Government in this behalf;

(*g*) institute, hold and manage fairs, cattle and agricultural shows and industrial exhibitions;

(*h*) take measures for improvement of cattle;

(*i*) pay travelling allowances to members of the District Board or any committee thereof subject to the rules prescribed in this behalf;

(*j*) provide motor and other transport facilities for the carriage of the public or guarantee from the district fund such sums as the District Board shall think fit as interest on capital expended by the Government or a company for this purpose and grant loans for providing capital for this purpose;

(*k*) organise and maintain, in time of famine scarcity, relief and local relief works and shops or stalls for the sale of necessaries of life;

(*l*) provide accommodation for any class of servants employed by the District Board and grant loans to such servants for construction of houses subject to the rules and conditions prescribed by the Government in this behalf;

(*m*) contribute towards any public fund raised for the relief of human suffering within or without the area under the authority of the District Board;

(*n*) by a resolution passed at a meeting and supported by one-half of the whole number of members of the Board, and with the previous sanction of the Government, arrange for any public reception, ceremony or entertainment; and

(*o*) undertake any other matter not hereinbefore specifically named which is likely to promote the public health, safety or convenience or which is necessary for the carrying out of this Regulation, expenditure whereon is resolved by the District Board by the votes of not less than one-half of the whole number of members of the District Board and with the approval of the Government, to be an appropriate charge on the district fund.

Amendment of section 54.

14. For section 54 of the said Regulation, the following sections shall be substituted, namely:—

Public ferries.

"54 (1) No public ferry shall after the commencement of this Regulation be newly established or closed without the sanction of the Government and no person shall keep open a public ferry which has been entrusted to the charge of the District Board without a license from the District Board;

(2) Whoever contravenes the provisions of this section shall, on conviction by a Magistrate, be punished with fine which may extend to five hundred rupees;

(3) Nothing in sub-sections (1) and (2) shall be deemed to apply to any person specially hiring a boat for the conveyance of himself or his family or friends or servants or goods or to the person letting such boat for hire for the said purpose."

"54-A (1) No market, either private or public, and no jatras, fairs, agricultural and cattle shows and exhibitions except those which are managed by muzrai and other officers authorised by the Government in this behalf shall be newly established in any area under the authority of a District Board or a Village Panchayet without the previous sanction of the Government which, in respect of an application by a Village Panchayet will be accorded after previous consultation with the District Board concerned.

(2) The grant of permission under the last preceding sub-section shall be subject to such conditions, and restrictions as the Government may lay down generally in respect of all such institutions as are referred to in sub-section (1) or specially in the case of any particular institution or class of institutions.

(3) No person shall open a new private market or continue to keep open a private market unless he obtains from the District Board a license to do so.

(4) No person shall sell or expose for sale any article or animal in any unlicensed private market

(5) Whoever contravenes the provisions of this section shall, on conviction by a Magistrate, be punished with fine which may extend to five hundred rupees.

(6) If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing or live-stock or poultry or cotton, ground-nut or other industrial crops or any other raw or manufactured products, is a market or not, the local authority concerned shall make a reference to the Government and the decision of the Government on the question shall be final."

Amendment of section 56.

15. In sub-section (3) of section 56 of the said Regulation, between the words "shall" and "be punished" the words "if not punishable under any other section of this Regulation," shall be inserted.

Substitution of a new section for section 65.

16. For section 65 of the said Regulation, the following shall be substituted, namely,—

Application of district fund and property.

"65. The district fund and all property held by or vested in the District Board under this Regulation, shall be applied, subject to the provisions of this Regulation for the payment of :—

(*a*) the salaries, allowances, pensions and gratuities of its officers and servants,

(*b*) any amounts falling due on any loans contracted by the board,

(*c*) expenses incurred—

(i) for holding elections to the District Board under this Regulation,

(ii) for the purposes specified in section 45, and

(iii) all other purposes for which by or under this Regulation or the rules or bye-laws thereunder or any other law for the time being in force, powers are conferred or duties imposed upon the District Board, and

(iv) with the previous sanction of the Government, for any other purpose for which the application of such property or fund is in the public interest.

Provided that—

Any funds granted to the District Board by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such

instructions as the Government may lay down either generally or specifically in this behalf.

Substitution of a new sub-section for sub-section (4) of section 68.

17. The following shall be substituted for sub-section (4) of section 68 of the said Regulation :—

"(4) The whole or any portion of the cess or the interest or other income derived from investment thereof in a bank or in securities or on construction of a railway or tramway may, with the previous approval of the Government and subject to such orders as may be made by it, be utilised for the construction of new roads and bridges or for improvement works to existing roads and bridges in the district, provided it is not required immediately or in the near future for,

expenditure on the purposes specified in sub-section (3).

Explanation.—The expression 'improvement works' in this sub-section includes the widening of roads, the levelling of roads, the provision of improved surfacing to roads by treatment with cement, tar, bitumen and such other materials, and the doing of any other works in respect of roads beyond ordinary repairs essential to placing them in a proper state of repair.

Addition of new section 71-A.

18. After section 71 of the said Regulation, the following new section shall be inserted, namely :—

Power to expel persons who refuse to pay fees.

"71-A. When any fee has been imposed under section 70 or has been leased under section 71, any person employed by the District Board or lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

Substitution of new sections for sections 76 to 79 under a new chapter.

19. For sections 76, 77, 78 and 79 of the said Regulation, the following sections under a new chapter shall be substituted, namely :—

'CHAPTER VI-A.'

District Fund Accounts and Administration Reports.

Prohibition of expenditure not budgetted for.

76. Except as hereinafter provided, no payment of any sum shall be made out of the district fund unless the expenditure of the same is covered by a budget grant,

provided that the following items shall be excepted from this prohibition, namely :—

(*a*) refunds of taxes and other moneys which the District Board is authorised by the Regulation or the rules made thereunder to make;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the district fund by mistake;

(*c*) sums which the District Board is required or empowered by this Regulation to pay by way of compensation;

(*d*) every sum payable,

(i) under section 95 by order of the Deputy Commissioner and under sections 39, 96 and 98 by order of the Government,

(ii) under a decree or order of a civil court passed against the District Board,

(iii) under a compromise of any suit or other legal proceedings or claim;

(*e*) expenses incurred in the exercise of power conferred by bye-laws made under clause (*e*) of sub-section (1) of section 57 ;

(*f*) all contributions payable by the District Board to the Government for the maintenance of water-supply, dispensaries and other institutions managed by the Government on behalf of the District Board or on behalf of the District Board and any other local authority or authorities.

Presentation of accounts.

77. (1) The Standing Committee shall have prepared and laid before the District Board at its quarterly meetings complete accounts of the receipts and expenditure of the District Board since the first day of July last preceding and at a meeting which shall be held between the first day of February and the first day of April, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtieth day of June next following together with a budget estimate of the income and expenditure of the District Board for the official year to commence on the first day of July next following.

Budget estimate.

(2) The District Board shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of July next following. The budget as passed by the District

Board shall be sent to the Government through the Deputy Commissioner before such date as may be fixed by the Government.

(3) In such budget estimate, the District Board shall, among other things—

(*a*) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the District Board by this Regulation or any other law;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the District Board may be liable in respect of loans contracted by it;

(*c*) provide for the payment of all sums payable to the Government under section 39 and of all contributions for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the District Board and on behalf of the District Board and any other local authority or authorities;

(*d*) allow for a balance at the end of the said year of not less than such sum as may, from time to time, be fixed by the Government generally for all District Boards or specially for any District Board;

(4) If the budget as submitted fails to make adequate provision for the matters specified in sub-section (3), the Government may, in according sanction, modify any part of the budget so as to ensure that such provision is made.

Revision of budget.

78. If, in the course of the official year, the District Board finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government—

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 77, and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 77.

Maintenance of accounts and restrictions on expenditure.

79. (1) Accounts of the income and expenditure of the district fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the district fund shall, save as otherwise expressly provided for in this Regulation, be

incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf..

(3) The District Board shall, at the first general meeting held after the audit of the past official year's accounts, pass such accounts.

79-A. (1) The district fund accounts shall, from time to time, and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be appointed by the District Board.

(2) The auditor or auditors shall for the purposes of audit have access to all the accounts and other records of the District Board.

(3) The District Board shall pay from the district fund such charges for the audit as may be agreed upon and in the case of a Government auditor, such charges as may be prescribed by the Government.

Powers of Government auditor.

79-B. The Government auditor may—

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

79-C. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the Standing Committee a report upon the audit of the district fund accounts,

(*b*) report to the Standing Committee and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the District Board or in the district fund accounts; and

(*c*) report to the Standing Committee and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the District Board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste;

(2) The Standing Committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditor. Standing Committee to remedy defects.

79-D. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment. Disallowance by Government auditor and order by Deputy Commissioner.

(2) The Deputy Commissioner may, on the report of the auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

79-E. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application, the person so aggrieved may, within the like period, appeal to the Government who shall pass such orders as it thinks fit.

79-F. Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the District Board within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue along with the necessary expenses of such recovery and shall be credited to the district fund. Recovery of amounts disallowed.

79-G. The District Board shall, as soon as the annual accounts have been finally passed by it, transmit Transmission of accounts to Government.

to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government or such officer may, from time to time, direct.

Annual Administration Report

79-H. (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the President shall submit to Government through the Deputy Commissioner, a report on the administration of the Board during the preceding official year in such form and with such details, as the Government may direct, with the resolution of the District Board thereon.

(2) The report may be published in such manner as the District Board, subject to the approval of the Government, may direct.

Amendment of section 94.

20. In sub-section (1) of section 94 of the said Regulation, after the words "breach of peace," the words "or is unlawful" shall be inserted.

Amendment of section 95.

21. (1) After the word "balance" at the end of sub-section (2) of section 95 of the said Regulation, the words "and such person shall be bound to comply with such order" shall be inserted.

(2) For sub-section (3) of the said section, the following shall be substituted, namely :—

"(3) The provisions of sub-section (2) of section 94 shall apply, so far as may be, to any order made under this section."

Amendment of section 96.

22. In sub-section (1) of section 96 of the said Regulation, after the words "by or under this Regulation," the words "or by or under any enactment for the time being in force," shall be inserted and after the word "balance" at the end of sub-section (3) of the said section, the words "and such person shall be bound to comply with such order" shall be inserted.

Amendment of section 98.

23. Section 98 of the said Regulation shall be treated as sub-section (1) thereof and the following shall be inserted as sub-section (2) namely :—

"(2) No suit shall be entertained by a Civil Court in respect of any dispute referred to in sub-section (1)."

In sub-section (1) as re-numbered, the words 'or Village Panchayets' shall be inserted after the words 'Municipal Councils'

Amendment of section 100

24. (1) In sub-section (2) of section 100 of the said Regulation, after the word "Committees" in clause (*c*) the words "and to the interpellation of the President by

the members and to the moving of resolutions at meetings of District Boards" shall be inserted.

(2) For clause (*n*) of the said sub-section, the following clause shall be substituted, namely:—

"(*n*) as to the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom."

(3) Clause (*r*) of the said sub-section shall be renumbered as clause (*s*), the following new clause being inserted after clause (*q*), namely:—

"(*r*) for prescribing punishment not exceeding five hundred ruppes for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date, as may be fixed by the Magistrate."

Addition of a new section as 100 A.

25. After section 100 of the said Regulation, the following new section shall be inserted, namely,

Delegation of powers by Government.

"100A. The Government may delegate all or any of its powers under this Regulation to any officer subordinate to it."

Amendment of section 106.

26. Section 106 of the said Regulation shall be treated as sub-section (1) thereof and the following shall be inserted as sub-section (2) thereof, namely:—

"(2) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877, as in force in Mysore."

Amendment of section 108.

27. After sub-section (2) of Section 108 of the said Regulation, the following sub-sections shall be inserted, namely:

"(3) Nothing contained in this section shall prevent the District Board allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, and in such manner, as not to inconvenience the public or any individual.

(4) Nothing contained in this section shall apply to any projection duly authorised by the District Board or in any case where permission has been given under sub-section (3) of this section."

Amendment of schedule II.

28. In clause (*a*) of schedule II of the said Regulation, between the words "As" and "a", the words "a slaughter-house or as" shall be inserted.

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Dewan.

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